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Law Enforcement Officials, New Religious Movements, and the Free Exercise Clause

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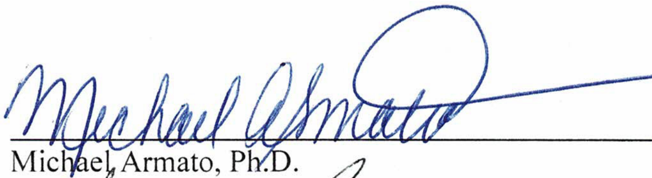

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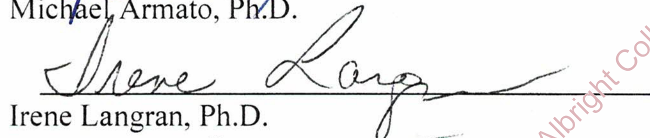

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Law Enforcement Officials, New Religious Movements, and the Free Exercise Clause

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I. Introduction

On October 31, 2017, 1.48 million people tuned in to watch the ninth episode of *American Horror Story: Cult*, appropriately titled "Drink the Kool-Aid." In this particular episode, enigmatic cult leader Kai Anderson informs the members of his cult's "inner circle" that they must drink Kool-Aid, which may or may not have been laced with cyanide, in order to prove their loyalty to himself and to his cause (Penn 2017). While the members of his cult contemplate whether Kai's delusions of grandeur are worth their own lives, Kai passes the time by telling the stories of several cults whose stories have ended in tragedy—namely Heaven's Gate, the Branch Davidians, and the People's Temple (Penn 2017).

There is a definitive skew to the stories. This is most clearly seen in Kai's retelling of the mass murder-suicide at Jonestown, in which Kai's depiction ends with Jesus descending from Heaven and reviving all those who had lost their lives in the tragedy because they had fulfilled the will of God (Penn 2017). And while this is not what actually transpired that day, it does help to lay the groundwork for understanding what did.

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On November 18, 1978, the world stood witness to an act of incomprehensible horror—in one of the largest acts of mass murder-suicide committed in history, over 900 people lay dead, with almost one third of their number 17 -years-old or under (Eldridge N.d.). Most of the deaths resulted from drinking a lethal concoction of "cyanide, tranquilizers, and sedatives," which was then added into a fruit drink to disguise the worst of the taste. According to Alison Eldridge's article on the Jonestown Massacre, this mixture "was first squirted into the mouths of babies and children via syringe and then imbibed by adult members." (Eldridge N.d.).

The term for this act has been colloquialized as "drink the Kool-Aid," hence the name of the *American Horror Story* episode referenced above. Jim Jones, several of the cult members who had attempted to defect with a visiting congressman, and California congressman Leo Ryan all died as a result of gunshot wounds (Eldridge N.d.). There were less than 100 survivors of the mass murder-suicide—"the majority of survivors either had defected that day or were in Georgetown." (Eldridge N.d.).

Why cyanide? According to the New York State Department of Health, we come in contact with and consume cyanide on a regular basis—in small amounts, the body is able to "[change cyanide] into thiocyanate, which is less harmful and excreted in urine" ("The Facts About Cyanides"). However, in larger doses, the effects can be devastating. Symptoms of cyanide poisoning include "weakness and confusion, headache, nausea/feeling "sick to your stomach," gasping for air and difficulty breathing, loss of consciousness/"passing out," seizures, and cardiac arrest" ("The Facts About Cyanides").

In most cases, these symptoms become apparent within seconds to minutes after interacting with the poison, and can cause "the heart, respiratory system and central nervous system" to completely shut down ("The Facts About Cyanides"). Needless to say, death caused by cyanide poisoning is agonizing, leaving an individual in a perpetual state of suffering from the moment they come in contact with the toxin until their death. Nobody can know for sure what went through Jim Jones' head as he gave that final order, but the final days preceding the massacre might be able to offer us some sliver of insight into what happened at Jonestown—and help to better understand what did not change with Waco.

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Government intervention is a recurring theme here—in some cases, such as Jonestown, interaction between the government and the movement's leader began non-violently and

escalated into a scene of mass horror, in others, such as the Branch Davidians, violence begat more violence. According to *Storming Zion: Government Raids on Religious Communities*, "government raids since 2000 have continued at a much higher rate than pre-1990s levels and do not appear to be returning to the previous baseline" (Wright & Palmer 2016; 9). Fourteen of the 116 government raids conducted have taken place in the United States, several of which will be discussed in further detail in the sections to come, with some occurring as recently as 2009 (Wright & Palmer 2016; 8-10). Perhaps even more importantly, "roughly 85 percent of these raids were carried out against *non-apocalyptic* sects or NRMs," meaning that there was very little chance that the group posed a threat to themselves or their community (Wright & Palmer 2016; 10). With this in mind, before the government takes any sort of action, officials must first consider what rights are potentially being infringed upon.

Therefore, the bulk of the case studies to follow will deal with various interpretations of the right to freedom of religion, with special attention to what are (and, perhaps more importantly, what are not) considered protected acts, what methods of recourse the government has should intervention be deemed necessary, and what happens should the government be found to have overstepped its bounds. By this, I mean whether a specific government agency has acted outside of its jurisdiction—an idea which will be addressed further in the Waco case study—or whether, in attempting to prevent potential tragedy, the government has trampled on or ignored rights which are supposed to be Constitutionally protected. In some cases, such as with the final case study, the Westboro Baptist Church (WBC), one must also consider what is protected under the umbrella of freedom of speech. Though the WBC has been inundated with lawsuits, with accusations against members ranging from defamation of character to invasion of privacy,

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members are very rarely convicted because of the simple—and incredibly complicated—idea that hate itself is not a crime ("November 27, 1955 and After").

I hope to achieve three major goals through this assignment. First, I would like to examine how the legal interpretation of the First Amendment right to freedom of religion has evolved over time, using Supreme Court cases to support my findings. Additionally, I would like to further tease out the ways in which the right to freedom of religion is interwoven with the right to freedom of speech—to better understand if the stigmas associated with a group's "slogan," such as the WBC proclaiming that "God hates fags," ties into their willingness to allow a group to more freely practice their particular religion.

Second, I would like to examine how these legal changes have influenced the socio-political climate of the United States. Specifically, I want to look at how the various levels of government and different governmental groups have incorporated religious dogma into their platforms. Finally, I want to apply my findings to the actions taken by the government in the cases of the Branch Davidians, the Montana Freeman, and the Westboro Baptist Church. Perhaps, by teasing out the disconnect between the interpretation of law and the manner in which it is being enforced, we can avoid situations in which one side is blatantly taking advantage of the other and, by extension, hopefully avoid future tragedies.

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In this paper, I will argue that the level and type of governmental interference in new religious movements has likely decreased dramatically due to legal and societal changes, evolving from dramatic showdowns that left numerous dead on both sides to relatively peaceful de-escalations brought about by uneasy understandings.

I. Definitions

Prior to moving forward, it is critical to define some key terms which will be appearing on multiple occasions throughout my argument.

Perhaps the most important of these terms is "cult," which the dictionary defines as "a system of religious veneration and devotion directed toward a particular figure or object." The example that is listed is the Cult of Saint Olaf ("Cult"). Perhaps more pertinent to our topic is the definition which follows the one denoted above, in which cults are further defined as "a relatively small group of people having religious beliefs or practices regarded by others as strange or sinister." The example given—"a network of Satan-worshipping cults"—is a perfect representation of this bias ("Cult").

There is no doubt that the example given with the second half of the definition is intended to make the reader feel a certain way; although we are not a predominantly Christian society, we still hold fast to certain ideals which are typically associated with the church. This is immediately evident upon viewing any major news outlet where issues of abortion rights or same-sex marriages are discussed. Although cults are by and large relatively peaceful organizations, they are oftentimes unable to eschew the ramifications of having this association to the Satanic and the ungodly. Therefore, in order to avoid the potential bias that these stereotypes present, cults will hereafter be referred to as "new religious movements" (Olson 2006).

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According to Miriam Webster, the legal definition of freedom of religion is as follows: "the right especially as guaranteed under the free exercise clause of the First Amendment to the U.S. Constitution to practice one's religion or exercise one's beliefs without intervention by the government and to be free of the exercise of authority by a church through the government" ("Freedom of Religion"). It is important to consider what this means and what it does not, the exact details of which will be fleshed out in the next section upon examining specific Supreme

Court cases which offer a more concrete interpretation of the idea of freedom of religion. For example, this does not mean that the government cannot become involved with the church, but rather, that they cannot show favor to one religion or denomination thereof, by deeming it the state church and demanding that citizens pay it dues, regardless of their own personal religious inclinations ("Freedom of Religion").

Additionally, the government is unable to mandate church membership. Considering the state of the Church of England at the time of the Revolutionary War, their hesitancy to hand the government so much power over the manner in which they practiced (or chose not to practice) their religion was understandable ("Freedom of Religion"). But as I hope to demonstrate, the U.S. Constitution can be a frustratingly vague document, and though it offers citizens a wide variety of protections from the power of the federal government, the ambiguous nature of this protection will lead to several problems, specifically with the manner in which government handles the outbreak of new religious movements in the 1950s and 60s.

Going hand in hand with freedom of religion is freedom of speech, which is simply defined as "the right to express any opinions without censorship or restraint" ("Freedom of Speech"). While the limitations to this freedom might be clear on paper, they are decidedly more ambiguous when one attempts to put them into practice. Where does one draw the line between "protected speech" and speech that somehow infringes on the rights of others (particularly in regards to issues such as discrimination)? Although, as the FBI emphasizes in their article about the prevalence of hate crimes in the last 50 odd years, hate itself is not a crime—when can law enforcement officials justify moving against groups which spout discriminatory propaganda and expect that those responsible will be prosecuted to the fullest extent of the law ("Hate Crimes")?

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This will become especially clear in the case of the Westboro Baptist Church, which has weathered its fair share of legal turmoil since members first began picketing at locations frequented by the gay community in their base of locations in Topeka, Kansas. A considerable number of cases have been brought against the WBC, with charges ranging from defamation of character to invasion of privacy ("November 27, 1955 and After"). Looking at the picture from a broader perspective, new religious movements are not only scrutinized for what they say, but what they do not. Oftentimes, making the conscious choice to not speak is just as dangerous as choosing to speak out: this is especially true of the first case study, the Branch Davidians.

Another crucial term is the Patriot Movement, which is most closely associated with the Montana Freemen. The Patriot Movement is defined as "a collection of conservative, independent, mostly rural, small government, American nationalist social movements in the United States that include organized militia members, tax protestors, sovereign or state citizens, quasi-Christian apocalypticists/survivalists, and combinations thereof" ("Patriot Movement"). According to the Anti-Defamation League (ADL), "though each submovement has its own beliefs and concerns, they share a conviction that part or all of the government has been infiltrated or subverted by a malignant conspiracy and is no longer legitimate." Furthermore, "there is some overlap between the Patriot Movement and the white supremacist movement…[though] there are, in fact, people of color within the Patriot Movement" ("Patriot Movement").

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II. Supreme Court Rulings

In 1963, the Supreme Court heard the case of Sherbert v. Verner. The facts of the case were as follows: "Sherbert, a member of the Seventh Day Adventist Church, was fired from her job after she refused to work on Saturday, the Sabbath Day of her faith" ("Sherbert v. Verner"). The

question at hand was whether or not the free exercise clause, traditionally interpreted as a protection from federal government interference in an individual's private religious experience, could also protect individuals from similar (perceived) abuses from a private employer.

According to the Warren Court, the answer is yes. In a resounding 7-2 decision, the court held that "the state's eligibility restrictions for unemployment compensation imposed a significant burden on Sherbert's ability to freely exercise her faith… furthermore, there was no compelling state interest which justified such a substantial burden on this first amendment right" ("Sherbert v. Verner").

This case is important for numerous reasons. First, it establishes a more concrete definition of what freedom of religion means and how it is to be applied. Because of the manner in which Sherbert lost her job, she was unable to receive unemployment—however, the law in her state allowed workers to have off on Sunday, thus creating an atmosphere in which it could be perceived that most Christians were receiving preferential treatment ("Sherbert v. Verner").

Second, while Seventh Day Adventists are hardly on the same plane as the Montana Freemen when it comes to obscurity, they are also not quite mainstream either. With this in mind, one could interpret Sherbert's victory in this case as a push toward a greater religious equality in the eyes of the law. But as we see with Jonestown (both the seminal incident and the major tragedy which occurred closest to this decision), this was not necessarily the case.

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Another case critical to the understanding of the evolution of an individual's right to freedom of religion came before the Supreme Court eight years later. In 1971, the Burger Court issued a remarkable unanimous decision in the case of Wisconsin v. Yoder. Yoder, Miller, and Yutzy

were all members of the Amish community, "[who] were prosecuted under a Wisconsin law that required all children to attend public schools until the age of 16" ("Wisconsin v. Yoder").

The three men had removed their children from the public school system after the eighth grade and "[argued] that high school attendance was contrary to their religious beliefs" ("Wisconsin v. Yoder"). Once again, the court delivered a decision that heavily favored religious freedom. In this case, the right to freely practice one's religion supersedes the right of the government to administer compulsory education. Just like Sherbert v. Verner, this case will have important consequences for the case studies to follow, as it once again establishes a precedent of the sanctity of religion that seems to fall flat in just a few short years.

Like Sherbert v. Verner, the case of Wisconsin v. Yoder is important because it gives power to a relatively small community who hold fast to ideas which seem to deviate from what we have come to consider the norm. Cases like those noted above are important because they highlight the fact that there are those who see and interact with the world differently, and this forces us out of our comfort zones. While it might make us uncomfortable to face some of these 'alternate' realities, that does not make them any less valid.

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These cases serve to put us into the correct mindset to talk about new religious movements, and to accept that many, while their doctrine and dogma might seem intimidating at first, are not so different fundamentally from other, more mainstream religions. This is most clearly seen with the Branch Davidians and their 'sinful Messiah', David Koresh (Gazecki 1997). On the other hand, some groups have significantly less palatable ideas, such as the Montana Freemen, who openly embrace the Patriot Movement (Lewis 2016). The key is to understand how these incredibly elastic definitions translated to the violent acts—or, in some cases, the complete lack of action that we see today.

There are, however, clear limitations on the power of freedom of religion. The most prevalent example of this would be Jehovah's Witnesses, and the right to deny children under the age of 18 life-saving medical treatment on the grounds that one's religion deems it a sin. While cases concerning this issue rarely rise to the level where it is placed on the Supreme Court docket, important decisions regarding this issue have been routinely issued by lower courts since 1951 and therefore, I believe it necessary to include here. According to BMJ Journals, "since the introduction of the blood ban in 1945, JW parents have fought for their rights to refuse blood on behalf of their children…adolescent JWs have also sought to refuse blood products based off of their beliefs, regardless of the views of their parents" (Woolley 2005). As seen in the two cases noted above, "in the USA, the Free Exercise Clause of the First Amendment is relied on by parents when defending their right to refuse blood on their children's behalf"—however, courts have routinely upheld the belief that "the freedom to believe is absolute, the right to act on that belief is not" (Woolley 2005). So what does this mean moving forward?

In short, courts are generally lenient when it comes to allowing individuals to practice their religion as they see fit. As long as their religious ideology does not put an undue strain on society, there are generally very few cases in which courts will not rule in favor of the disenfranchised. However, as soon as an individual's bares a negative impact on another individual's rights (i.e. a church conducting a service which involves the human sacrifice of a female virgin—the congregation's ability to worship as they see fit is negatively impacting the woman's right to live; therefore, the court would rule in favor of the woman), those rights can be taken away. It will be important to keep these limitations in mind when considering the cases to follow.

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III. Case Study #1: What Happened to the Branch Davidians?

In the words of Adam Lusher, author of the article "Waco: How a 51-day standoff between a Christian cult and the FBI left more than 80 dead and divided America": "the Waco siege was never just about a bizarre sect, a failed negotiation, and a disastrous raid… in some ways, it was a fatal collision of things that have helped make, and occasionally threaten to break, America" (Lusher 2018).

According to an article by PBS entitled "10 Things You May Not Know About Waco," "what began as the longest shoot-out in American law-enforcement history turned into a weeks-long siege that ended 51 days later with 75 people dead, many of them women and children" (Childress 2018). Now, a little over 25 years later, the siege at Waco has left many unanswered questions—the most prevalent of which being whether or not the government had the legal right to intervene in the first place.

Wright and Palmer argue that not only did the ATF make a series of false claims in order to push forward with the raid, but that the government also considers the events of that day to be an egregious error (Wright & Palmer 2016; 100-101). They include an excerpt from the congressional investigation which followed the raid, which reads: "David Koresh could have been arrested outside of the Davidian compound. The ATF chose not to arrest Koresh…and instead were determined to use a dynamic entry approach. In making this decision ATF agents exercised extremely poor judgement, made erroneous assumptions, and ignored the foreseeable perils of their course of action" (Wright & Palmer 2016; 101). Looking back, we may never know the true story of what transpired during the raid—but the story of the Branch Davidians begins many years before this harrowing event, when the group was first founded in the early 1950s.

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Ideologically, the Branch Davidians are an off-shoot of the Seventh Day Adventist Church, specifically the Davidian Seventh Day Adventist sect that was formed in the late 1950s by Benjamin Roden (Roberts 2018). It was not until 1993 that the man who would come to be known as David Koresh, then referred to by his birth name, Vernon Wayne Howell, would come to power (Roberts 2018). Howell was originally a member of the Seventh Day Adventist Church, only to ultimately be dismissed because leaders within the church felt that he was a "bad influence on younger members" (Roberts 2018). He joined the Branch Davidians in 1981 and "began an affair with the group's leader at the time—then-prophetess Lois Roden… when Lois Roden died, her son George Roden competed with Koresh for power within the group" (Roberts 2018). In the confrontation to follow, Howell rallied a small group of Davidians who were not loyal to Roden and led an assault on the compound which resulted in Roden being non-fatally wounded. Although Howell and his followers were formally charged with attempted murder, "the seven followers were acquitted and Koresh's case ended in a mistrial" (Roberts 2018).

Several of the Davidian's most fundamental beliefs played a key role in their downfall. To start, "the Davidians believed that the Bible is the literal word of God, and that the prophecies in the book will be fulfilled… one of the more important: the Bible's Book of Revelation, which they believe details the end of the world" (Childress 2018). Some accounts attribute the group's apocalyptic beliefs as the reason that the group was stockpiling weapons, claiming that "all along while Koresh was controlling his followers, he was also gathering arms for a bigger battle—one with the world outside of the compound" ("48 Hours Reveals New Details in Deadly 1993 Waco, Texas Standoff"). The slant of the CBS article is clear—that the Branch Davidians were already militarized, and would not hesitate to unleash violence upon both the government and the rest of the world.

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This is further supported by Lusher's article, in which he states that "according to FBI evidence presented later in court…the fears informing the original FBI search warrant…were justified…experts testified that 46 illegally modified assault rifles were among the hundreds of weapons found at the Davidian's compound" (Lusher 2018). It would not be unreasonable to question why guns, which were supposedly only meant to be bought and traded at gun shows, would need such modifications (Gazecki 1997). There is a definite implication here that the guns were intended for another, perhaps more sinister, purpose. Others disagree. Childress, author of the PBS/Frontline article, actually posits that the FBI was "convinced that Koresh might eventually surrender," which was why they continued "offering him opportunities to broadcast his message on the radio and on television" Additionally, "Koresh repeatedly told investigators he wasn't planning a mass suicide" (Childress 2018).

The initial siege of the Davidians' compound occurred on February 28, 1993, after the Bureau of Alcohol, Tobacco, and Firearms received several reports of alleged child abuse, sexual abuse, and illegal weapons violations (Roberts 2018). The siege may have been brought on, in part, because of a man named Larry Gilbreath, a truck driver who unwittingly delivered increasingly more dangerous weapons to the Mount Carmel compound prior to the confrontation in 1993. According to the article, "Gilbreath says a box of hand grenades opened up before he could deliver them. His life flashed before his eyes. He told his wife Debra, who then went to the local sheriff, who then turned to the ATF" ("48 Hours Reveals New Details in Deadly 1993 Waco, Texas Standoff"). It is important to note here that the only area which the ATF has jurisdiction over is that of the illegal firearms, and while the presence of illegally modified weapons was eventually confirmed, there is much less uniformity regarding the allegations of child abuse and sexual abuse.

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There were a number of former-Davidians who also played a critical role in the organization of the raid. Marc Breault, who had "defected in 1989," considered himself to have once been a "right-hand man of Koresh"—he "became a primary source for the ATF investigation following a 1992 incident in which a UPS package delivered to the Davidians broke open revealing empty pineapple grenade shells. Breault alleged that Koresh and the Davidians were "stockpiling weapons" in preparation for a possible confrontation with the government" (Wright & Palmer 2016; 105). Michael J. Malbin, author of *Religion, Liberty, and Law in the American Founding*, offers a bit of clarity on how to interpret the free exercise clause in this matter. After describing a variety of ways in which the Supreme Court has altered (and inevitably broadened) its protections of religion over the years, Malbin states "the Supreme Court has held that the free exercise clause gives people a constitutional right…to be exempt from valid civil laws if the person believes the law would violate his religious conscience and if the court believes the law is not all that important" (Malbin 1981; 3). The key here is determining the importance of the law that is being broken. Choosing not to send one's kids to school after a certain age is quite different than launching a militaristic attack against one's government, after all.

On the one hand, there are reports that the "FBI told Attorney General Janet Reno that children were being abused at Waco, even though it wasn't true" (Childress 2018). During the official investigation which took place after the conclusion of the standoff, Reno would claim that "we had had reports that [children] had been sexually abused, that babies had actually been beaten...I asked when I first heard that for them to verify it and, again, that was the report that was brought back" (Childress 2018). To this day, it is unclear who within the FBI actually delivered this report, as those who have been directly confronted about it have vehemently denied any involvement (Childress 2018).

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On the other hand, we have the case of Grace Adams, who claimed that "as a woman, you needed to have sex with David in order to get into heaven," and said that this pattern of sexual abuse began with "girls as young as 12" ("48 Hours Reveals New Details in Deadly 1993 Waco, Texas Standoff"). Adams, in an effort to defend herself from an unknown fate, "offered herself to Koresh in the middle of the night… after rejecting her, he flew into a rage and locked her in a guarded, tiny room… [she] was fed from a bowl on the floor" ("48 Hours Reveals New Details in Deadly 1993 Waco, Texas Standoff"). While the evidence is compelling on both sides of the argument, it is worth noting that child services had been to the compound on numerous occasions and did not find any evidence to corroborate the claim of child abuse (Gazecki 1997).

It is not at all uncommon for there to be allegations of sexual abuse in these communities. Wright and Palmer cite several reasons for this. First, the term child abuse had undergone a period of "redefinition, [which] greatly expanded behavior that was considered in the classification of child abuse" (Wright & Palmer 2016; 32). This new definition included such acts as "being forced to listen to sexual talk, being fondled, kissed, or held in a way that made you feel uncomfortable, and being bathed in a way that felt intrusive" (Wright & Palmer 2016; 32). The line between acceptable and unacceptable sexual conduct had started to become blurred, and sexual abuse became less focused on the act itself and more on how the act made the victim feel. It is also important to note that abuse no longer needed to be physical—there were several acts which fell underneath this umbrella which left no physical evidence behind.

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Second, "the official figures likely ignored the vast number of unrecorded cases of abuse from previous years…the increase of statistics was most likely a product of better or more intensive recordkeeping" (Wright & Palmer 2016; 32). In other words, it is likely that the same amount of abuse occurred within these communities as it did outside of them, but due to any

number of occurrences—sad as it may be, perhaps Wright and Palmer are correct and there were a large body of cases that were reported but failed to go anywhere, or perhaps record systems before and during the early days of computers were simply lacking—there seemed to be a dramatic increase in there number between the year 1981 and 1990 (Wright & Palmer 2016; 32). This is also the time period which marks the rise of false reporting of child abuse cases, and the "new phenomenon of "false memories" or "recovered memories" of child abuse in suspect therapies using hypnosis" (Wright & Palmer 2016; 32).

Finally, and perhaps the most disturbing, is that the idea of ritual child abuse occurring within a community is a good selling-point to encourage people to support movement against a certain group. Wright and Palmer claim that "claims-makers and moral entrepreneurs tied child sexual abuse to pornography, drugs, prostitution, the decline of traditional morality, secularization, the removal of prayer from schools, liberalism, cults, and Satanism, among other things" (Wright & Palmer 2016; 32). That is a loaded sentence. Obviously, one is supposed to walk away with the impression that all of the above are bad—while we can all agree that child abuse is reprehensible, it is dangerous to then take that idea and project it onto another completely different thought just because the two are mentioned in the same sentence. If one removes child abuse from the equation and only considers the second half of the above sentence, the author's true sentiment becomes clear. Cults and new religious movements are as bad as Satanism, liberalism, the removal of prayer from schools, etc. And when you affix that negative label onto something, it makes it that much easier to attack it in the future.

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This idea is explored further in Webb Keane's article "What is Religious Freedom Supposed to Free?"—one of his main objectives of the article is to determine how the average American feels about the religious identity of his or her neighbor. Just as Wright and Palmer address the

matter of morality and how it might be utilized as a weapon to encourage people to mobilize against a new religious movement, Keane states, “if…religion is above all a matter of moralities, it is easier to imagine dire social and political consequences might be incurred through the mishandlings of the relevant freedoms” (Webb 2015; 59). In other words, there is an understanding that most people who identify as religious follow a “moral code,” meaning that there are some actions that they can or cannot do, and some they might even be mandated to do, depending on their religious doctrine. So if everyone is hiding behind the metaphorical shield of their own moral code, and each religion’s moral code is telling people to act in a way that is contradictory to the others, when does religious doctrine stop being sacred and when does it transform into a weapon? Beyond that, should my rights be protected, even when they infringe upon your physical and mental well-being? When dealing with the question of religion’s place in a society that supposedly upholds the idea of ‘free exercise’, is it fair to judge the validity of someone else’s religion based upon whether or not it aligns with your pre-determined mold of morality?

In the initial raid, “four federal agents and multiple Branch Davidians were killed” (Roberts 2018). Lusher highlights that “the February 28 ATF raid…only reinforced the truth of Koresh’s prophetic pronouncements in the minds of his followers” (Lusher 2018). Given the apocalyptic nature of their ideology, it would not be an exaggeration to claim that the Branch Davidians likely saw this as the beginning of the end of the world. This is further reinforced by the DOJ report, which stated the following: “they believed Koresh was the ‘Lamb’ through whom God communicated with them…they also believed the end of the world was near, that the world would end in a cataclysmic confrontation between themselves and the government, and that they would thereafter be resurrected” (Lusher 2018).

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Their ideology became more radical as the days progressed, to the point where FBI agents offering reduced sentences for crimes that the Davidians had allegedly committed was not enough to convince them to leave the compound. In their minds, leaving the compound would be the equivalent of handing their souls over to the devil—it would mean sacrificing eternal salvation (Gazecki 1997). For 51-days, "FBI negotiators had sought agreement with a sect leader who veered between cracking jokes and threatening to start World War III, between lucid civility and incoherent rambling about the scriptures" (Lusher 2018). The siege that followed is shrouded in controversy to this day.

We will likely never know who shot first (Childress 2018). In the congressional hearings conducted after the siege, it was noted that the door to the compound, which had endured quite a bit of gunfire and could, potentially, have shown the trajectory of the majority of the bullets that were fired, had been misplaced (Gazecki 1997). The door remains missing to this day. However, despite the prevalence of gunfire that day, the majority of the Davidians did not die from bullet-related injuries, but rather as a result of smoke inhalation caused by fires that they had started earlier in the siege (Childress 2018). Of the 75 bodies that were found in the compound in the weeks following the siege, approximately 50 of them had died in this way (Childress 2018). Others were believed to have "shot each other in what were speculated to be consensual suicides" (Roberts 2018).

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According to Kenneth Newport, author of "A Baptism By Fire": The Branch Davidians and Apocalyptic Self-Destruction," the fact that the Branch Davidians started the fire is not as important as whether or not the fire, and everything that came after, could have somehow been avoided (Newport 2009; 62). Newport argues that "I do think that some of the Branch Davidians had little chance of escape once the fires started. However, others clearly did. Nine got out"

(Newport 2009; 65). And there was potential for even more to have survived—instead, however, many chose to remain within the compound and were numbered among the numerous bodies pulled from the smoldering remains some days later. The reason that so many were willing to give up their lives was because they were "waiting on God" (Newport 2009; 65). When one considers the fact that, up until this moment, the Davidians thought that they would be risking eternal salvation by stepping outside of the compound prior to Koresh deciphering the seven seals, Newport's analysis makes sense (Lusher 2018).

Branch Davidian leader David Koresh was the victim of one such shooting (Lusher 2018). This, of course, brings us back to the question of whether or not this entire confrontation was intended to end in a mass suicide—did David Koresh lie to the FBI when he said that he would peacefully surrender after he finished translating the seven seals? (Lusher 2018). Could all of this death somehow have been prevented? This seems to be the alternative suggested by Kiri Jewell, described by the DOJ as "a young woman who had escaped the compound shortly before the siege" (Lusher 2018). Gazecki would later elaborate in his documentary *Waco: The Rules of Engagement* that she was also one of the victims of Koresh's alleged advances on underage girls—though there was no concrete evidence given to substantiate this claim (Gazecki 1997). In her testimony before the FBI, Jewell claimed that "the Davidians had discussed mass suicide by shooting or by cyanide" (Lusher 2018).

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While there is no evidence to suggest that cyanide was chosen as a potential suicide method because it was used in the mass murder-suicide at Jonestown, we have previously established that death by cyanide poisoning is nothing short of torture. One might question why someone would willingly subject themselves to that torture, especially when one considers that the alternative methods on the table, while no less gruesome or horrific, were either (presumably)

much faster (i.e. suicide by cop) or less destructive, overall, for the human body (i.e. death via smoke inhalation). Considering the evidence that has been presented, both from the prospective of the Davidians and the FBI, I believe that it is safe to say that cyanide would have been used to make a statement. Throughout the entire raid/siege, while the FBI provided David Koresh and the Branch Davidians with multiple opportunities to have their message heard by the public, the question of whether or not the Davidians were actually *heard* by law enforcement is very much up in the air.

In fact, the actual religious ideology of the Branch Davidians was largely ignored by law enforcement (Ammerman 1995). According to Nancy Ammerman, a religious scholar who was part of a small group who came together to investigate why law enforcement agents ignored such a fundamental aspect of the Branch Davidians' identity during the raid/siege, there are four main reasons to consider. The first, and perhaps the most obvious, is that "religion is itself a foreign category…they have little experience with religion themselves, and they really do not understand how anyone could believe in a reality not readily provable by empirical means" (Ammerman 1995). When one takes into account the fact that, in 2014, the Pew Religious Landscape center reported that approximately 3.1% of the United States population is comprised of atheists, this explanation makes sense ("Religion in America"). The example that Ammerman uses to enforce this is the consistent misspelling of the book of Revelation in the DOJ reports following the 1993 siege (Ammerman 1995).

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Second, there is the fact that there is a "history of encounters with manipulative conversations of convenience, [therefore] many officers are inclined to dismiss the validity of religion as an independent variable" (Ammerman 1995). As we have seen in the abovementioned court cases, religion is never to be discounted, no matter how trivial or out of the ordinary a

situation might seem. To ignore religion as a potential driving force behind an incident simply because there is a supposed history of the "excuse" being manipulated to suit someone's own needs simply comes across as shoddy police work.

Juxtaposed with this is the third group of people, who Ammerman describes as having such deep faith that it could be "difficult for them to identify with someone whose faith was so different" (Ammerman 1995). I believe that this was the issue at the heart of the raid/siege, and it is most clearly demonstrated in the following quote by Byron Sage, the FBI negotiator who spoke most frequently with David Koresh: "I tell him I am absolutely confident in my salvation and he's not in a position to challenge that…This guy is not delusional. He does not have a Messianic complex. He does not buy off on his own con" (Childress 2018). When you enter into a negotiation already holding the mindset that the other person is attempting to con you, and all of the people in their care, it is really no surprise that nothing productive results from your conversations.

Finally, Ammerman highlights an issue which I had previously touched upon briefly in the 'definitions' section. In her words, "overlapping all of the other causes for law enforcement's failure to understand the religious dynamics of the Branch Davidian standoff, everyone involved fell victim to the images inherent in the label 'cult'" (Ammerman 1995). As soon as a group is labeled as a cult, their ideology is suddenly rendered fundamentally inferior to that of more "mainstream" religions. If it is not considered outright inferior, then it is instead considered to be so far removed from the "mainstream" that it is wrong and/or dangerous, and is therefore something that the bulk of society needs to be protected from by all costs.

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The religious ideology of the Branch Davidians was not only largely ignored by the ATF and FBI, but also by scholars who look back and try to make sense of the event. One of Newport's

greatest criticisms of Stuart Wright, a scholar who has written extensively upon the conflict between the ATF and the Branch Davidians, is that Wright refuses "[to] even attempt to engage with the theology of the Branch Davidians" (Newport 2009; 65). Newport and Ammerman come to incredibly similar conclusions about the theology of the Branch Davidians, which can be summed up thusly: "without an understanding of their theology, one fails to understand them" (Newport 2009; 65). With that in mind, the entire conflict could be summed up as one giant miscommunication, the result of both sides taking action without taking the time to truly listen and comprehend what the other was saying.

For this reason, the ideology which drives many of the actions that these groups take is largely ignored, potentially leading groups that may not have considered escalating to violence to take that final leap. I believe that Ammerman's third and fourth arguments are most readily apparent in the raid/siege at Waco, as depicted in the above writing.

Regardless, as Ammerman notes in her article, one of the most disturbing aspects of this confrontation is that the "Bureau of Alcohol, Tobacco, and Firearms apparently failed to solicit any social science background information about the nature of the group with which they were dealing. BATF has no internal behavioral science division and did not consult with any other behavioral science persons within the government" (Ammerman 1995). In short, they went in blind, and that lack of consideration cost lives on both sides of the debacle.

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This is an excellent segue into Catherine Wessinger's 2009 article entitled "Deaths in the Fire at the Branch Davidians' Mount Carmel: Who Bears Responsibility?," in which Wessinger asserts that "scholars of the conflict in 1993…have articulated different views on whether or not agents of the Federal Bureau of Investigation (FBI) deliberately provoked the Branch Davidians into taking actions that would end their lives and the lives of their children in the fire on 19

April" (Wessinger 2009; 26). While we will never know the truth with certainty, the evidence does seem to suggest that the federal authorities were remiss in their attempts to minimalize casualties. This is seen most clearly in the congressional hearings cited by Wright and Palmer, in which the authors specifically highlight that the government acknowledged that the ATF made a conscious choice to use a "dynamic," and much more hazardous, approach instead of arresting Koresh outright (Wright & Palmer 2016; 101). This can also be seen in the fact that the ATF did not have a "behavior science department" or "behavioral science persons" on staff, which had a hand in many of the miscommunications experienced during the 51-day debacle.

IV. Case Study #1: Analysis and Conclusions

Waco is a difficult case to consider, as so many of the details regarding what actually transpired during the 51-day confrontation between the Davidians and the ATF and FBI agents are shrouded in mystery. There are few scholars like Ammerman who are willing to make a definitive statement about the failings of one party or the other, preferring instead to take a less controversial, middle of the road approach. Nonetheless, Waco has become a battle cry for many conservative religious movements—and has captured the imagination of the American people to this day. The American people have decidedly less reservations about assigning blame, and the backlash (both seen and unseen) from this event will hang like a dark shadow over the FBI when agents move to confront the Montana Freemen a handful of years later.

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Did the government uphold the Constitutional understanding of freedom of religion in the case of the Branch Davidians? Yes. It is not unreasonable to conclude that the government made little to no attempt to understand the religiosity of the Branch Davidians, and yet their religious ideology was also not the reason in which they originally raided the compound. Depending on one's understanding of the reasons behind the initial raid, be it to follow up on reports of

child/sexual abuse or illegal weapons violations, could call into question whether or not the ATF actually had jurisdiction to conduct the raid at all—but there is not enough evidence to substantiate a claim one way or another in this regard (Roberts 2018). The religious identity of the Branch Davidians did not come into play until later, when FBI negotiators began talking with David Koresh and allowing him to broadcast his message to the masses.

When the Branch Davidians' religiosity did come into play, however, the FBI made several efforts to continue to allow them to practice their religion--including stalling the actual siege of the compound while Koresh supposedly worked on deciphering the seven seals (Lusher 2018). Agents also allowed Koresh to broadcast his message to the public, ensuring that both sides of the story would be heard (Childress 2018). Many of the conversations between Koresh and FBI negotiators, some of which have been recorded here, show that the FBI spent much of the 51-day standoff going back and forth between perceiving Koresh as an actual threat and sincerely believing that he would surrender (Childress 2018). Most of the time, however, they merely regarded his ramblings as someone caught up in a delusion of grandeur, claiming that he was more of a glorified conman than a religious prophet (Childress 2018).

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It is important to note that, also during the year 1993, "a virtually unanimous Congress passed the Religious Freedom Restoration Act, signed by President Clinton" (Witte Jr. & Nichols 2016; 427). The bill was introduced in the middle of the 51-day standoff on March 11, 1993 and officially became a law in November of that same year (US Congress 1993). The law specifically "prohibits any agency, department, or official of the United States or any State from substantially burdening a person's exercise of religion even if the burden results from a rule of general applicability, except that the government may burden a person's exercise of religion only if…(1) furthers a compelling government interest; and (2) is the least restrictive means of

furthering that compelling government interest" (US Congress 1993). No specific examples of "restrictive" means are offered in the actual law itself, but the timing of the law is significant. While it is unlikely that Waco was the only impetus for such a law being passed, it is important to note the domino effect that it had on both state and local legislatures. According to Witte Jr. and Nichols, "twenty-one state legislatures eventually passed their own state religious freedom statutes, mostly modeled on the federal act. And both Congress and the states added a number of other discrete protections for religion, giving courts some of the tools that they needed to protect religious freedom, even without a strong First Amendment" (Witte Jr. & Nichols 2016; 428).

Did the government learn from Jonestown? No. While it is true that David Koresh claimed he was not interested in instigating a mass suicide, there were several reports from individuals who had managed to flee the compound who had intimated otherwise (Lusher 2018). To borrow a hackneyed phrase, groups with apocalyptic beliefs tend to be like ticking time bombs. If pushed too hard or in the wrong way, these groups can react violently—and this violence is not only directed inward. If you will recall, in Jonestown the mass murder-suicide was preceded by the arrival of a local congressman who attempted to convince various members of Jones' new religious movement to defect and return with him to California (Eldridge N.d.).

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While Jones initially seemed to be readily compliant with the congressmen's requests, the congressmen and the defectors were ultimately shot down on the tarmac—the incident which would lead Jones to give his final order, fearing that the government would come for 'retaliation' (Eldridge N.d.). There were several critical moments in which the government acted like that congressman, pushing too hard against forces that they did not fully understand. The most prevalent example of this would be the FBI's complete dismissal of religion as a potential factor influencing the group's behavior, and merely slapping on the label of 'cult' without offering it

further consideration (Ammerman 1995). Perhaps an effort to foster greater understanding of the group's motivations could have saved lives.

Why is Waco important? Even now, a little over 25 years removed from the siege, people are still talking about Waco. As I noted before, there are so many aspects of the story that do not add up correctly, so many pieces of evidence that have simply gone missing, that we may never truthfully know what happened in that final confrontation. However, moving forward, Waco will become the new Jonestown. There were many mistakes made during the raid/siege that the government will take extreme care to ensure do not happen again.

Waco is also important because it showcases an extreme, which will then be challenged by the Montana Freeman—another group with the extreme potential for violence, who found themselves in a prolonged standoff with the government. Waco will then become the new "measuring stick," the tool that we use to understand how and why the government responded to a situation in a certain way and to get a grasp on whether or not the reaction is better or worse. As I hope to demonstrate, just because a confrontation does not devolve into death and violence does not necessarily mean that the outcome, or the path to arrive there, is any better. When examining the case of the Montana Freemen, it is immediately evident that the government handled the situation in a manner that was fundamentally different than that of Waco. The lack of uniformity across cases raised many questions, which will be further fleshed out in the case study to follow.

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V. Case Study #2: Who Were the Montana Freemen?

When the Montana Freeman engaged in an 81-day standoff with law enforcement just three short years after the siege at Waco, Attorney General Janet Reno said: "the FBI has gone to great

pains to ensure that there is no armed confrontation, no siege, no armed perimeter, and no use of military-type tactics or equipment…the FBI is trying to negotiate a peaceful solution" (Lewis 2016).

Wessinger believes that this change of heart is due, at least in part, to the ignorance that was shown toward the "Branch Davidians' "ultimate concern," which Robert D. Baird defines as being the "most important thing in the world to the believer" (Wessinger 1999; 37). Wessinger takes this one step further, however—while she agrees that an attempt was made by the FBI to rectify this miscommunication, she believes that agents still missed the mark with the Montana Freemen. The FBI seemed to have made significant strides since the confrontation at Waco. Wessinger notes that "FBI agents consulted Michael Barkun, a political scientist who is an expert on millennialism and Christian Identity…[and] three religious studies scholars" (Wessinger 1999; 37). However, even with their council, "the Freemen initially refused to negotiate with FBI agents because they did not recognize the agents as having legitimate authority" (Wessinger 1999; 38). For this reason, for a significant portion of the standoff, communication between the two groups occurred through Christian Patriot intermediaries (Wessinger 1999; 38). The blatant distrust which existed between the two parties will be teased out in further detail in just a moment.

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There are many aspects of the Montana Freemen's ideology which are difficult to stomach in 21st Century America. As noted above, the Freemen ascribe to the Patriot Movement—but this is not the only factor that influences the Freemen's day to day actions. According to an article produced by the Southern Poverty Law Center (SPLC), the group is mainly concerned about the constitutionality of the Fourteenth Amendment (Zeskind 1998). Zeskind refers to this as a sort of

"anti-immigrant fervor," and claims that it "is aimed at abrogating Fourteenth Amendment protections for American born children of immigrants" (Zeskind 1998).

Unfortunately, this particular mindset is not anything new. In the 1970s and 80s, the "violently anti-Semitic and anti-tax organization" Posse Comitatus used similar language to explain why "farmers could escape their bank debts," citing the fact that they were "organic citizens" (Zeskind 1998). A similar situation arose with the "neo-Nazi Aryan Nations…[who] argued in its newsletter for the resurrection of Dred Scott, the notorious pre-Civil War Supreme Court decision that held that slaves had no constitutional rights" (Zeskind 1998).

According to the book *How the Millennium Comes Violently*, the main goal of the Montana Freemen was to "establish an association of sovereign state republics free from federal authority, in which Yahweh's laws, given in the Old Testament, would be enforced" (Wessinger 2000; 159). Wessinger also substantiates Zeskind's claims of racism running rampant in the Freemen, purporting that the Freemen are "revolutionary millennialists" and are also part of "a contemporary Euro-American nativist millennial movement," meaning that they belong to a group of people who "feel oppressed by a foreign colonizing government, believing that the government is removing the natives from their land and eradicating their way of life" (Wessinger 2000; 159).

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While it is important to denote that Euro-Americans are not the natives of the Americas, this fact does not seem to hold water in the eyes of nativist millennials. Instead, they "regard America as their native land from which they are being dispossessed" (Wessinger 2000; 159). In other words, all those who came after white European settlers (and, in some interpretations, the Native Americans who originally settled the land) are the ones who caused the problem.

Witte Jr. and Nichols cite groups with similar attitudes as the reason why many state and local legislatures are experiencing a "legislative change of heart" and are beginning to repeal many of the protections established in the wake of the 1993 Religious Freedom Restoration Act (Witte Jr. & Nichols 2016; 429). In their law review, entitled "Come Now Let Us Reason Together," they state that "the rise of Islamicism, and the horrors of 9/11, London's 7/7, Fort Hood, Madrid, Paris, San Bernardino, Brussels, Orlando, Nice, and more have renewed traditional warnings about the dangers of religion in general" (Witte Jr. & Nichols 2016; 429). Although the authors were seeking to make a point about anti-Muslim sentiment with the abovementioned cases, I feel that the overall message behind the claim is applicable here. Islam itself is a peaceful religion, and yet we are inundated with examples of what happens when believers become radicalized. Even if these cases might be in the minority, we as a society have determined that the majority is far less interesting—and hardly has the same level of impact on the American psyche. This is further evidenced by the fact that "the media narrative has turned more against legislative protections" (Witte Jr. & Nichols 2016; 429).

For younger audiences who have only been alive long enough to have experienced (and been able to remember) some of the more recent focusing events noted above, perhaps comparing the current anti-Islamic political climate to the situation in the 90s with the Branch Davidians and the Montana Freemen would help to paint a clearer picture. Just as Ammerman suggested in her study on why religion was ignored in the case of the Branch Davidians, there are those within law enforcement who so ardently believe their own religion is the only valid religion that they are simply blinded to the potential validity of others (Ammerman 1995). This, combined with the power of word association, which Wright and Palmer highlight in their analysis of child abuse cases within new religious movements, creates a recipe for disaster (Wright & Palmer 2016; 32).

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With that being said, even today we stand witness to a public divided. Just as in the case of the Branch Davidians, the Montana Freemen had adamant supporters (mostly conservative Evangelical Christians and gun enthusiasts/gun rights advocates who had seen what had happened at Waco and Ruby Ridge—a lesser scale raid which had taken place between the Waco and Montana Freemen standoffs—and wanted to protect against what they felt to be further injustices from the government) (Wilson 2017). They also had vicious opponents, who argued that their fundamental ideology was based upon racism (Zeskind 1998).

This division is extremely similar to the one which currently exists in our country, which Witte Jr. and Nichols highlight in their discussion of religious prejudices. As they describe in the law review, "leading political figures now advocate a "'total and complete' ban" on Muslims entering the United States and urge that the United States should "test every person here who is of a Muslim background, and if they believe in sharia, they should be deported" (Witte Jr. & Nichols 2016; 429). On the other side of the argument, there are those who believe that such treatment of one's fellow human beings is wrong, they would even go so far as to label it a form of discrimination. At the heart of understanding the history of the free exercise act is that all religions are supposed to be equal in the eyes of the government. While this is not always the case, government is not supposed to show favoritism to one religious denomination or another—as such, attempting to place a ban on an entire group of individuals who ascribe to a certain religious belief, specifically because they ascribe to that specific religious belief, does not seem to be in keeping with the precedent that has been established.

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In the words of Danny Lewis, writing for the Smithsonian, "for several years, the Freeman had been a thorn in the side of the US government. Led by a former crop-duster and conman named LeRoy Schweitzer, the group believed that government institutions should not exist above

the county level and frequently acted out against local officials" (Lewis 2016). The Freemen were relatively well known for causing disturbances within the community, including one occasion in which the group "briefly took over a courthouse in Garfield County, and at one point offered $1 million bounties for officials, including federal judges, to be brought to them 'dead or alive'" (Lewis 2016). When they were not busy taking over court rooms, they would frequently be inside of them, litigating cases. As Wessinger describes in her book, "the Freemen utilized their Common Law documents to wage paper warfare in order to destroy the federal government and its economic institutions" (Wessinger 2000; 160).

The events which lead to the 81-day standoff with the government begin in 1992, when "Rodney Skurdal, a former marine, bought a farm in Musselshell County…and initiated paper warfare by filing Common Law documents. His documents included a 'Citizens Declaration of War' against 'foreign agents' in the 'country of Minnesota'" (Wessinger 2000; 163). In a fascinating turn of events, two years following Skurdal's original filing of these court documents, "the Montana Supreme Court limited Skurdal's access to the courts and fined *him* $1,000 for filing 'meritless, frivolous, vexatious' documents. Because Skurdal did not pay federal taxes, his property was legally seized in 1993 and put up for sale, but no one attempted to remove Skurdal from his farm" (Wessinger 2000; 163).

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Although the court may have been justified in utilizing the legal system to shut down what they perceived to be an act of abuse, this only served to reinforce the Freemen's idea that the government was "out to get them" It also showcases the inability of the executive arm of the government to effectively enforce decisions handed down by the judiciary—it is pointless to go to such lengths to seize a man's property, only to continue to allow him to live on said property.

This only serves to make the government appear weak, which will cause a cacophony of problems later down the line.

In 1994, Schweitzer moved in with Skurdal, and a sign was erected on Skurdal's property which read "Do Not Enter Private Land of the Sovereign…The right of Personal Liberty is one of the fundamental rights guaranteed to every citizen, and any unlawful interference with it may be resisted" (Wessinger 2000; 163). The content of the sign is important, especially when one considers that Skurdal's land had previously been seized by the government. In a way, the sign is saying that they are taking power, which they feel has been wrongly granted to the government, back. This is further reinforced by Schweitzer completely ignoring what had happened to Skurdal just two years before and joining with Skurdal and Daniel and Cherlyn Petersen to "[teach] other people their understanding of Common Law and how to fight the federal government with Common Law documents" (Wessinger 2000; 163). In fact, by late 1995, Schweitzer had 15 drafts "ranging in value from $2,600 to $91,000 [that] were successfully passed…[and] were used by individuals to make child support payments and to buy trucks and cars" (Wessinger 2000; 163).

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Backtracking only slightly, in 1994 the Montana Freeman took control of the courthouse in Garfield County. According to Wessinger, their intent was to use the space to "set up a local government" (Wessinger 2000; 163). Though the Freemen blatantly threatened the lives of various public officials and law enforcement officers, "the Sheriff in Jordan arrested Freemen every now and again but made no attempt to take all of them into custody"—in fact, it was not until "Garfield County attorney Nick Murnion filed charges against the Freemen for impersonating public officials and committing "criminal syndicalism" that anything was actually done about removing them from the premises (Wessinger 2000; 164).

A Freeman was first successfully convicted of the crime of "criminal syndicalism" in 1995, when "[William] Stanton…lost his ranch in foreclosure and blamed his misfortune on the government. After Stanton's conviction…the Freemen were planning on [kidnapping] a judge, [trying, convicting] and [hanging] him" (Wessinger 2000; 164). This event was almost immediately followed by "a Musselshell County deputy [stopping] Freemen Dale Jacobi and Frank Ellena for driving without a license plate and a driver's license. The deputy discovered in the vehicle thirty sets of handcuffs, rolls of duct tape, $60,000 in gold and silver, and $26,000 in cash" (Wessinger 2000; 164). Armed Freemen showed up to the jail house hours later not to contest the arrest, but to recover the confiscated merchandise. In the weeks that followed, after enduring nonstop harassment in the form of threatening phone calls and armed Freemen stationing themselves outside of the jail, the charges were dropped and the items returned due to "unlawful" search procedures (Wessinger 2000; 164).

As noted above, the FBI was reluctant to move against the Montana Freemen, in part because of the disaster that was Waco, but also because of an incident in 1992 which has been colloquialized as "Ruby Ridge". The Guardian refers to the confrontation that occurred here as "the day that the American militia movement was born," and it is immediately apparent that there are indeed a startling number of parallels between the ideology of Randal and Vicki Weaver and the Montana Freemen (Wilson 2017). When compared to the catastrophe of Waco, the damage was minimal—in fact, author Jason Wilson aptly describes it as "a firefight between six US marshals and two boys and a dog" (Wilson 2017). The consequences, however, were far reaching, especially for far-right extremist groups like the revolutionary millennials who already felt as though the government were "out to get them"

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Much like Waco, the exact manner in which events unfolded has been shrouded in controversy; the only aspect of the initial confrontation which has not been disputed is that by the end of the so-called "firefight" is that "the end result was that Sammy Weaver, deputy marshal Bill Degan and Striker [the Weaver family's dog] were all dead" (Wilson 2017). Shortly thereafter, the FBI returned, "operating under rules of engagement that allowed deadly force" and shot both Randy and Vicki Weaver and a man named Kevin Harris, wounding both Randy Weaver and Kevin Harris and killing Vicki Weaver instantly (Wilson 2017). The siege would continue for several days, and would eventually be brought to an end not by FBI intervention, but by civilian negotiators, including "Bo Gritz, a former green beret, prolific conspiracy theorist, and the Populist Party's presidential candidate, who was briefly on the ticket with ex-Klansman David Duke" (Wilson 2017). Needless to say, following these two events the credibility of the FBI during Clinton's tenure was greatly diminished, and the government was understandably anxious to not take another action which would result in further bloodshed (Wilson 2017).

The ultimate confrontation between the Montana Freemen and the FBI began in March 1996, when "LeRoy Schweitzer and Daniel Petersen were arrested by Healy and four other agents while they were away from the farm's main buildings inspecting a newly installed ham radio antenna" and ended 81-days later when the remaining Freemen surrendered (Wessinger 2000, 166-7). The reason for Schweitzer and Petersen's arrest is more than slightly ironic, given that, as Lewis describes it, "undercover FBI agents lured [them] away from their compound and arrested them under charges that they refused to leave property that they had been legally evicted from" (Lewis 2016).

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After what appeared to be a pattern of inaction, in which the government would claim to be evicting Freemen from their property for one reason or another and then never actually take the necessary steps to ensure that they had vacated that property, it does seem more than slightly unusual to suddenly attempt to take a more aggressive stance on the issue. Especially when that level of aggression would disappear almost immediately when dealing with the remaining members of the religious movement who are still stowed away within the compound. There is an uncanny parallel between the situation with the Freemen and the situation with the Branch Davidians just a few years earlier—both groups possessed apocalyptic ideologies, and had more than enough firepower to pose an immediate danger to themselves, the law enforcement agents attempting to contain the situation, and the surrounding community. In fact, just a few short months before he was arrested, leader LeRoy Schweitzer was quoted as saying: "We'll travel in units of about 10 outfits, four men to an outfit, most of them with automatic weapons, whatever else we got-shotguns, you name it… We're going to have a standing order: Anyone obstructing justice, the order is to shoot to kill" (Wessinger 2000; 166).

Stephen O'Leary sums up the logic behind interventionist and non-interventionist ideologies thusly: "we should ask how observation and intervention may change the behavior of our subjects, who are neither robots unable to break free from ideological programming nor puppets controlled by the strings of diabolical, charismatic puppet-masters, but human beings who make choices to protect and maximize their interests, whether material or spiritual" (O'Leary 1999; 56). It is not unreasonable to suggest that there is a chance that Waco, Ruby Ridge, and Jonestown would not have devolved into violence had the various branches of government taken a bit more care to consider the long-term implications of their actions before getting involved, and authors such as Wright and Palmer and Ammerman have produced a significant amount of

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literature in support of this claim. Of course, there is also the chance that, even with everything working out in a supposedly ideal manner, that everything would play out exactly the same.

The FBI knew that the Freemen were armed and dangerous, with an extended history of responding poorly to anything that might be perceived as the government overstepping its bounds and infringing upon their personal rights and freedoms. And yet, not only did the FBI decide to “play it safe” and not push the Freemen to act, they even continued to use this model of engagement for future standoffs between religious (and other radical and extremist movements) and government officials later on (Lewis 2016). The question is why. Could it truthfully be as simple as the government wanting to avoid another tragedy, such as at Waco or Ruby Ridge? As Ammerman suggested in her article, could this be a sign that law enforcement agents are looking upon religion with a greater deal of respect? By this, I mean that they are considering one’s religious ideology to be a “legitimate” motivating force behind their actions, just like they would consider a husband finding out that his wife is cheating on him to be a “legitimate” motivator for murder.

I am not necessarily arguing that the excuse is right or valid, but rather that it is one that is not immediately discounted by officials. Or is it more likely that the government wants to avoid more negative publicity and is willing to do so by whatever means necessary, including taking heat for being too “patient and cautious” and “acting too slowly” (Lewis 2016).

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VI. Case Study #2: Analysis and Conclusions

Did the government uphold the Constitutional understanding of freedom of religion in the case of the Montana Freemen? I believe that the answer is both yes and no. On the one hand, not unlike the Branch Davidians, the government was mainly concerned with the fact that the

Montana Freemen were heavily armed and dangerous, and were in the possession of any number of illegal weapons—and since the government did not originally become involved because of the religious doctrine of the Montana Freemen, the answer is a definitive no (Wessinger 2000). However, the story does not end there. The government was also concerned with ensuring that the Freemen did not bog down the legal system with their Common Law documents, which is where the answer becomes a bit fuzzy (Wessinger 2000).

Because such a core element of the Freemen's beliefs was that the government had amassed too much power and should not exist above the county level, and their goal in utilizing these Common Law documents was to take back some of the power from the government, one could interpret the government stepping in and not allowing them access to the courts (as in the case of Skurdal) to be placing undue strain on their right to exercise freedom of religion. However, when you also take into account the exact language of the lower courts' rulings in the cases of Jehovah's Witnesses not allowing their children to receive life-saving blood transfusions, the answer becomes even more convoluted. As noted above, "the freedom to believe is absolute, the right to act on that belief is not" (Woolley 2005). In other words, there is a clear limit to what the law will and will not protect when it comes to religious freedoms, and I believe that the Montana Freemen definitely tow that line here.

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Did the government learn from Waco? Yes. Repeatedly, in all of the documents that I analyzed regarding the Montana Freemen, the authors note that the FBI did not want another Waco or Ruby Ridge. However, while it is important to consider how to prevent such events from occurring in the future, it is also important to make sure that any reaction to these previous events is not an "overreaction"

Just as there were many things which could have been done to prevent, or at least lessen, the tragedy at Waco, so to were there things which could have been done to shorten the standoff with the Montana Freemen or prevent it from transpiring at all. Looking back at the unlawful search and seizure of Ellena and Jacobi's car—as early as 1995, local law enforcement knew that the Freemen were tangled up in potentially illegal activities, and if they had followed through on that lead through the proper legal channels, perhaps the case would not have fallen to shambles (Wessinger 2000; 164). From the start, law enforcement were aware that a large number of the Freemen's ranks had received professional fighting training, and that their remaining ranks had enough training and access to weapons to be considered armed and dangerous (Wessinger 2000; 163).

The true question at hand is not whether or not the government learned from past mistakes, but whether or not their new course of action will lead to a different kind of tragedy in the future? When I ask whether or not the government has learned from past mistakes, I reference the fact that, according to the Congressional hearings which took place post-Waco, the government owned up to the fact that many of the horrors experienced during the raid/siege could have been avoided had the government simply arrested David Koresh (Wright & Palmer 2016; 100-101). Instead of "un-complicating" the matter, agents of the ATF purposefully chose to make matters more difficult and in the path to doing so, unnecessarily risked lives. Their actions (or rather, inaction) when dealing with the Montana Freemen is a direct response to the actions taken at Waco—in short, to borrow a phrase from the congressional hearings denoted above, they chose to utilize the less "dynamic" approach (Wright & Palmer 2016; 100-101). Thankfully, there have not been enough standoffs between new religious movements and

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government officials since this point in time to be able to offer a definitive answer to this question.

Why are the Montana Freemen important? The Montana Freemen are, in many regards, a group that was born out of a reaction to a series of tragic events which seemed to occur back-to-back. In the eyes of the Freemen, the government had dropped the ball when it came to situations like Jonestown, but more specifically Waco and Ruby Ridge. I believe that Lusher's statement about Waco being a lethal collision of "God and guns" is also applicable here (Lusher 2018).

The Montana Freemen are important because of their message—not of hate, but of fear. Fear of a government that had become like "big brother," who had amassed so much power that it was virtually untouchable and needed to be stopped at all costs (Wessinger 2000). They looked at what happened at Ruby Ridge and, like many other extremely conservative groups, saw an innocent family that had been ruthlessly victimized by "big brother" (Wilson 2017). They looked at what happened at Waco and saw a group of desperate people gunned down and burned alive for refusing to vacate the premises during their 51-day standoff with law enforcement (Wessinger 2000). The Montana Freemen are also important because the policy of inaction that the executive branch of government adopts during this standoff will transfer over to the next case study, where prejudice and religion will once again collide—though this time, thankfully, without death.

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VII. Case Study #3: A Modern Example, The Westboro Baptist Church

Foreshadowing what would be a long and complicated relationship with the federal government, the state and local judicial systems, and the public at large, a student who had been exposed to Fred Phelps' teachings when he was just a 21-year-old college student at John Muir

College is quoted as saying: "I don't agree with what he says. But I agree he has a right to say it—off campus" (Baker, Bader & Hirsch 2015; 43).

The story of the Westboro Baptist Church begins in 1951, when college student Fred Phelps "began publicly decrying "sins of the flesh" committed by both students and faculty. Informed by the school's administration that he could not preach on campus, Phelps promptly took up residence on a lawn across the street and continued to vociferate for penitence" (Baker, Bader & Hirsch 2015; 43). In addition to being a minister, Phelps was also a "prominent Civil Rights lawyer, arguing on behalf of desegregation in numerous cases in Kansas, but was disbarred in 1979 for publicly vindictive behavior" (Baker, Bader & Hirsch 2015; 43). Phelps' ability to navigate the intricacies of the law would prove vital to the survival of his church, whose various legal troubles will be explored in greater detail in just a moment.

On November 27, 1955 "the Westboro Baptist Church (WBC) in Topeka, Kansas holds its first services under the auspices of Pastor Fred Waldron Phelps… Phelps, his wife, nine of this 13 children, and their spouses and children make up the core of the WBC's small congregation" ("November 27, 1955 and After"). Phelps served as "leader and prophetic visionary of the church until 2013, when poor health and an internal dispute about who would succeed him as leader forced him from the pulpit" (Baker, Bader & Hirsch 2015; 43). In the church's near 65 year tenure, it has made national headlines on numerous occasions for both the manner in which its congregants interpret scripture and how, in turn, they attempt to force attempt to force the rest of the world to conform to the standards laid out in this interpretation.

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There is no doubt that the church's fundamental beliefs are a tremendous source of controversy, especially given America's current political climate—but it is crucial to understand that each of these beliefs are grounded in a particular interpretation of Calvinist ideology called

"Primitive Baptist," in which members ascribe to the idea that "God only choses a select few to be saved, and everyone else is doomed to burn in hell" ("November 27, 1955 and After"). In other words, members of the WBC believe in predestination, meaning that your soul's final resting place has already been decided long before your birth, and no amount of good or bad deeds done during an individual's lifetime will be able to change that determination. They also believed that "God "causes" disasters and tragedies. WBC's theodicy posits a God that hates and punishes people for their sexual wickedness, in this world and the next" (Baker, Bader & Hirsch 2015; 43). This harkens back to many of the ideas which Phelps originally preached about on his college campus.

However, there is still a strict moral code that the members of the WBC are expected to abide by at all times. An excellent example of this would be perhaps one of the more famous tenants of the WBC's ideology: their vilification of the homosexual community. The anti-homosexual sentiment arose approximately 25 years after the church's founding, when members of the church began "the picketing of a Topeka park allegedly frequented by homosexuals" ("November 27, 1955 and After"). Picketing would soon become the church's go-to method of protesting, intentionally choosing venues that would garner increasing levels of public attention—eventually escalating to the point of "picketing the funerals of American soldiers killed in Iraq and Afghanistan, claiming that God is punishing America for tolerating homosexuality" ("November 27, 1955 and After").

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The WBC has found ways to link homosexuality to other major events to transpire on American soil, such as the terrorist attacks on September 11, 2001, and claim that such occurrences were "brought about [by God] to punish America for its tolerance of homosexuality" ("November 27, 1955 and After"). On several occasions, the WBC was taken to court by

individuals who felt that the church's actions were tantamount to a hate crime. Despite staggering evidence against them, the WBC has won each of the cases brought against them. A few notable examples are listed below.

In 1993, "members of the virulently anti-gay Westboro Baptist Church… are charged with eight counts of criminal defamation and other charges by Shawnee Country District Attorney Joan Hamilton… a court invalidates the state defamation statute, blocks further prosecution of the WBC members in the cases, and awards the church $43,000 in legal fees" ("November 27, 1955 and After"). When one considers the fact that Phelps, along with numerous members of his family and his congregation, are lawyers, it should come as no surprise that they were able to fend-off at least one potentially disastrous lawsuit ("November 27, 1955 and After"). Taking into account the size of the WBC, a lawsuit with the potential to put several of its members behind bars for an extended period of time could spell the end for a new religious movement.

In 1997, "police chief Gerald Beavers resigns after a public outcry over his alleged 'coddling' of the anti-gay Westboro Baptist Church and its pastor, Fred Phelps… Beavers is replaced by Dean Forster… however, within months, Forster will promise never to publicly mention Phelps or the WBC after weathering a blizzard of lawsuits and court complaints filed against him by the church" ("November 27, 1955 and After"). Now, we begin to see the theme of legal prowess which has run through all three of the case studies conducted here. As we move further away from the likes of Jonestown and Waco, we begin to see groups learning how to utilize the law to their advantage. In some cases, you don't even have to win—you just have to bog your opponent down with such a legal quagmire.

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In 2010, the United States Supreme Court adjudicated the case of Snyder v. Phelps, in which the family of the deceased Marine Lance Corporal Matthew Snyder "filed a lawsuit against the

members of the Westboro Baptist Church who picketed at his funeral… [accusing] the church and its founders of defamation, invasion of privacy and the intentional infliction of emotional distress" ("Snyder v. Phelps"). The WBC was again victorious, with the court stating that, despite the "repugnant" nature of their words, their right to express their opinion is protected by the First Amendment of the United States Constitution ("Snyder v. Phelps"). However, when we compare reactions of government officials and judiciary bodies to the actions of the WBC versus their reactions to similarly "uncomfortable" situations with Jonestown and Waco, we see two very different ways in which laws are being interpreted and enforced. The question is why?

It is also important to keep in mind that the WBC does not picket the funerals of those who identify within the LGBTQ+ community exclusively. Carolyn Shelbourn, writing for the Ecclesiastical Law Journal, states that "The WBC has picketed at…other high profile funerals such as those of the victims of the Boston Marathon bombing and the children killed in the Newton school shooting in Connecticut" (Shelbourn 2015; 2). According to Shelbourn, "WBC funeral picketers typically gather on the route of the funeral cortege or close to the church where the funeral is to take place, singing and carrying placards with slogans such as 'God hates Fags' and 'Thank God for Dead Soldiers' (Shelbourn 2015; 2). The church claims that their right to picket is protected by both the freedom of speech and freedom of religion clauses, and, as noted above, the courts generally seem to be in agreement (Shelbourn 2015; 2). Shelbourn argues that the true gray area when it comes to questions of legality is "the rights of mourners affected by the activities of the WBC…because the US Constitution does not include an express right to privacy" (Shelbourn 2015; 2).

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Under the liberal-humanist approach discussed in "Building a Better Mousetrap," there are only two reasons why the government has the right to restrict freedom of speech: "(1) it violates

the rights of others and (2) these injuries are not outweighed by the value of the speech" (Heyman 2014; 331). Heyman elaborates that "Westboro's speech violates the mourners' rights…[because it] inflicts severe mental and emotional distress on an individual's family and friends at a time when they are most vulnerable. This distress is no accident: as Westboro's own statements make clear, it deliberately seeks out those attending a funeral and communicates with them through "hard-hitting language" (Heyman 2014; 331). The Branch Davidians were stopped before their actions could negatively impact those around them; thus, the potential for harm remained just that—*potential*. However, actions which are intentionally causing harm (i.e. the WBC's hate speech) continue on unchecked. This seems rather counterintuitive, given that these legal protections are supposed to stop before infringing upon the rights of others.

Chief Justice John Roberts offers an interesting argument as to why such speech is protected under the law. According to Roberts, the WBC was attempting "to communicate with the public on matters of public concern, such as the "moral conduct" and "fate of our Nation". Under the First Amendment…speech of this sort is entitled to "special protection" and cannot be restricted even when it "inflict[s] great pain" on others" (Heyman 2014; 332). Though it is tempting to classify the actions of the WBC as hate crimes—minus the violence—it is difficult to craft an argument stating that there is anything more than morally wrong with the actions that the WBC has undertaken when the Supreme Court comes out and encompasses their hate speech underneath the umbrella of protection that is the First Amendment ("Hate Crimes"). This is perhaps the most extreme example of the policy of inaction that the government has adopted in the wake of Waco and Ruby Ridge.

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That being said, there have been significant limitations placed upon funeral picketing in recent years. While it is impossible to ban it outright, "the widespread public condemnation of

the activities of the WBC has led to legislation at both a federal level and a state level, with over forty states passing legislation which…has imposed limits on the time and place where funeral pickets may be carried" (Shelbourn 2015; 3). Interestingly enough, American courts tend to be very liberal in their interpretation of freedom of speech, particularly when individuals exercise that right in the name of religion. Shelbourn offers an example of a similar situation in England, where "in 2010 members of a group calling itself Muslims against Crusaders interrupted an Armistice Day service by chanting 'British soldiers burn in hell' loudly and repetitively during the two minutes' silence. Despite their claims to be exercising their right to freedom of expression, members of this group were arrested and prosecuted under section 5 of the Public Order Act 1986 which makes it an offense to use threatening or abusive words or behavior or to display any writing, sign or other visible representation which is threatening, abusive or insulting within the hearing or sight of a person likely to be caused harassment, alarm or distress" (Shelbourn 2015; 4). In this scenario, an individual's liberties are not allowed to infringe upon the liberties of others, rather than a group being allowed to continue to propagate a message simply because the courts seem to believe that the intention is to police the morality of the nation (Heyman 2014; 332).

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It is important to note that, unlike the People's Temple, the Branch Davidians, and the Montana Freemen, the Westboro Baptist Church is not militarized ("November 27, 1955 and After"). While I would be hard-pressed to call their acts of protest peaceful, they are also not arriving to picket lines armed to the teeth. They are also not apocalypticists—as noted above, they believe in a doctrine of predestination and that no actions taken while they are here on Earth will affect whether their soul ultimately ends up in heaven or hell ("November 27, 1955 and After"). Apocalypticists like the Branch Davidians believe that the end of the world is nigh, and

that they must act in a very specific manner so that their soul might ultimately ascend to heaven (Childress 2018). Because the world was "controlled by the devil," if they left the sanctity of the compound then they risked being damned (Childress 2018). When you remove the deadly combination of militarization and apocalyptic beliefs from the table, one could argue that, aside from inciting anger within the community, the Westboro Baptist Church is relatively harmless.

Another important factor is the trend toward non-violent confrontation, which stems from the executive branch of government, that seemed to begin after Ruby Ridge and Waco. Even if the WBC became militarized at some point in the future, it is extremely likely that the government would continue to adhere to this philosophy of peace in order to minimize casualties (Lewis 2016). That being said, one of the unspoken ideals which goes hand-in-hand with freedom of speech is freedom from censorship.

As mentioned earlier, many right-wing extremist groups sympathize with the victims of Ruby Ridge and Waco because they believe that the government was attempting to infringe upon the rights of and censor the message of these groups (Lewis 2016). These are incredibly real concerns which have the potential to create disaster should the government ultimately choose to confront the members of the Westboro Baptist Church, even if such a confrontation is nonviolent.

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The WBC is small but mighty. In an interview conducted in 2001, then-mayor of Topeka, Joan Wagnon, claimed: "[The WBC] have used their constitutional rights to bully this town into submission…Topeka is now identified with Fred Phelps. If someone could figure out how to get him off of the streets, they could be elected mayor for life" ("November 27, 1955 and After"). As noted above, not unlike other new religious movements (such as the Montana Freemen), members of the WBC know how to manipulate the law to their advantage.

In addition to this, the Supreme Court—in a series of rulings not directly dealing with new religious movements, but with broad-reaching consequences which impact them nonetheless—has handed down a number of decisions over the years which have made it next to impossible to prosecute somebody for the crime of "hate." As I hope to demonstrate here, the Constitutional protections regarding freedom of religion and freedom of speech are irrevocably intertwined, and both impact how we as a society view new religious movements, both now and 70-odd years ago.

As noted above, many of the activities undertaken by the WBC could be classified as "hate crimes." The dictionary defines a hate crime as "a crime, typically one involving violence, that is motivated by prejudice on the basis of religion, race, sexual orientation, or other grounds"—unfortunately, while the definition seems to be rather cut and dry, like many laws, it tends to look very different when it comes around to actual enforcement of it. The difficulty with prosecuting hate crimes is very clearly outlined on the FBI website, where the author was quick to emphasize the fact that hate itself is not a crime ("Hate Crimes").

There has to be some sort of definitive action taken against another person with a clear motive stemming from prejudice relating to one or more of the above categories. However, it is next to impossible to concretely prove an individual's motivations. There is also a distinct difference between causing someone emotional or physical harm because they fit certain criteria and feeling a certain way about people who happen to fit a certain criteria and by extension causing someone emotional or physical harm.

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As such, it is incredibly difficult to prove a case in which the issue at hand is a matter of one person's character being defamed because they fall into any of the abovementioned categories versus another individual's right to exercise freedom of speech. Much like freedom of religion,

as demonstrated through the two Supreme Court cases explored earlier, the court is much more likely to uphold an individual's Constitutionally protected freedoms first.

Unlike the previous two case studies, the WBC has not had any major clashes with law enforcement ("November 27, 1955 and After"). By this, I do not mean to portend that they have not experienced their fair share of legal controversies—as many of those occurrences have already been explored here—but rather that they are a relatively non-violent group that has not yet taken action that would require the government to engage them as they had done with the Branch Davidians and the Montana Freemen. In fact, and perhaps even more surprisingly, while the President and the White House officially denounced the actions of the WBC under President Obama back in 2008, both parties were extremely reluctant to officially deem the WBC a "hate group" (claiming that it was not within the President or the White House's jurisdiction to do so, before rattling off a list of third-party interest group-like organizations who are responsible for assigning such labels to groups and have already done so with the WBC) or to authorize further action to be taken against it (Mitchell 2013). This is in stark contrast to the attitude adopted by the executive branch of government just 10 to 15 years prior.

VIII. Case Study #3: Analysis and Conclusions

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Did the government uphold the constitutional definition of freedom of religion in the case of the Westboro Baptist Church? Yes—and in doing so, also raised a series of other important questions about how the government will deal with new religious movements in the future.

I have demonstrated here how law enforcement has gone from one extreme of fear to the other. On the one hand, with Waco, as Ammerman suggests, law enforcement agents feared those who had fallen beneath the umbrella of 'cult' (Ammerman 1995). They did not understand

the radical ideology of the Branch Davidians and saw no reason to make an attempt to; instead, they exerted extreme violence toward a group who had the potential to become violent, but by numerous accounts were a relatively peaceful group who were simply buying and trading weapons at gun shows—something which is not at all uncommon in Texas (Gazecki 1997). On the other hand, with the Westboro Baptist Church, we see a government both unable (and potentially unwilling to) act, fearful that any misstep has the potential to lead down a path which led to incidents such as Ruby Ridge and Waco (Lewis 2016). In the first scenario, fear breeds violence, in the second, it eliminates it as a viable option entirely.

That is not to say that exercising violence should ever be seen as the only option. There are many examples, especially in the wake of the 9/11 terrorist attacks, in which violence exerted by the government on a small religious group backfire terrifically. There are two cases which have made headlines much more recently, in which government agents were engaged in prolonged standoffs with civilians—one of which was resolved peacefully, although the government had every right to forcibly remove the civilians off of public land; the other has devolved into violence on numerous occasions, although the protestors have been overwhelmingly peaceful. The first situation is the occupation of the Malheur National Wildlife Refuge. The second is the tribal protestors attempting to prevent the government from tapping into oil pipelines in the Dakotas. The actions undertaken by government officials in both situations bear roots in the evolution of violence that I have teased out in the three case studies here, and I will demonstrate this connection in the section to follow.

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I believe that the lesson to be learned here is that government action in the extreme is never beneficial to the people. If there is some kernel of truth in Wright and Palmer's analysis of the records of the congressional hearings following the raid/siege at Waco, then a government that

storms into a situation blind is one that must be prepared to incur a high number of casualties (Wright & Palmer 2016; 100-101). Whatever the reasoning behind not wanting to attempt to arrest David Koresh, that decision resulted in the death of 75 individuals—the government initiated violence in the form of the raid, and ended the confrontation with violence 51-days later in the siege (Wright & Palmer 2016). But when the government refuses to act—and beyond that, even goes so far as to protect the actions of the victimizer—then that too sends a statement (Heyman 2014; 332). In many ways this is just as dangerous as the first scenario, if not more so, because it is stating that the rights of some people are more important than the rights of others, and that the government is only interested in protecting the rights of those at the top.

What will this look like moving forward? First, the government will be much less likely to take a definitive stance against new religious movements (this is most clearly seen in the case of the White House refusing to come out and label the Westboro Baptist Church as a 'hate group'—though President Obama did not hesitate to vilify their actions, this was also the only action that he took against members of the group) (Mitchell 2013). For what it is worth, we will likely never again see a standoff that ends in a tragedy of the same scale as Waco or Ruby Ridge, but that is not to say that conflict between government, law enforcement officials, and new religious movements will ever truly come to an end. Second, with the adoption of terms like "new religious movements," there will be a less clear association between these movements and cults, meaning that their ideologies are treated more respectfully and their members are not looked upon in fear, or confusion, or any other negative emotion typically ascribed to facing the unknown (Olson 2006).

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Why is the Westboro Baptist Church important? When considering approximately 60 years' worth of American history, it is important to consider how far we have come—or if we have

really made any strides at all. While it might be difficult for us to wrap our heads around the fact that the hateful rhetoric that the Westboro Baptist Church uses to refer to the homosexual community is considered protected speech under the government's interpretation of the First Amendment right to freedom of speech, it is important to remember that the government is allowing them to exercise that right without fear of censorship. Looking to the future, the Westboro Baptist Church also sets the bar for how one can expect the government to act in the future when dealing with similar groups. There is also potential that this approach might also be used to deal with other groups—meaning ones that have been militarized and have the potential to pose an active threat to the community—as well.

IX. Analysis, Discussion, and Implications

Freedom of religion is an extremely hot topic in the news as of late. In an article entitled "Which US States Have Passed Religious Laws?," the BBC rolls out a laundry-list of laws passed in 2016 granting people special protections to discriminate against others on the basis of sexuality and gender identity. In Florida "House Bill 43 will go into effect, which will allow clergy and religious organizations to refuse to marry people if it violates a "sincerely held religious belief" ("Which US States Have Passed Religious Laws?"). In Mississippi, "HB1523…allows businesses to refuse service to gay couples based on religious beliefs…churches, religious charities and private businesses can use the law to legally not serve people who lifestyles they disagree with, including 13 different categories of wedding-related business" ("Which US States Have Passed Religious Laws?"). Meanwhile, in Texas, "just prior to the Supreme Court ruling legalizing same-sex marriage…a similar bill [was passed] regarding clergy and facilities and same sex marriage, Senate Bill 2065" ("Which US States Have Passed Religious Laws?"). There is a correlation here between the sentiments which are manifest in

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these laws and those that are expressed in the ideology of the WBC. Moreover, although many of these laws fly in the face of federal legislation—which is also against the law—they continue to exist and be enforced, serving to really drive home the idea of "religious morality" that John Roberts addresses in his majority opinion on Snyder v. Phelps (Heyman 2014; 332).

The three cases studies denoted above have had somewhat of an impact on shaping the American values system. Now, we have adopted an extremely unhealthy "us versus them" mentality when it comes to understanding the religiosity of our neighbor. Beyond religiosity, which often cannot even be discussed in polite company without the conversation devolving into a full-on argument, we have devolved into a state in which we cannot even comprehend someone having an ideology different than our own. This is most clearly seen in the recent case of the Dakota Access Pipeline (DAPL). According to the article "The Dakota Access Pipeline, Environmental Injustice, and US Colonialism," the DAPL "is a 1,172 mile pipeline for transporting crude oil from North Dakota to refineries and terminals in Illinois…the #NoDAPL movement sees the pipeline as posing risks to the water quality and cultural heritage of the Standing Rock Sioux tribe" (Whyte 2017; 155). Not only is this impacting the tribe members' quality of life, but it is also impacting the way in which they practice their faith—Whyte argues that "the construction has already destroyed culturally significant places, including ancestral burial sites" (Whyte 2017; 155).

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The Native Americans are the people indigenous to this land, and as such, their religious practices can hardly be described as "new." Nonetheless, they exist outside of what most Americans have come to understand as the "mainstream." And their desires for what should transpire upon their land are being largely ignored by government, not unlike the government failed to grasp the religious significance of leaving Mount Caramel for the Branch Davidians.

Whyte highlights a quote from Judge Boasberg, in which he states that "the permitting agency for that segment of DAPL…adequately consulted the tribe about any risks to cultural heritage" (Whyte 2017; 155). This is immediately followed by Whyte's own analysis, in which he concludes that the two agencies responsible for determining potential damage to the environment and the culture of the tribe "did not allow sufficient time, resources, or attention to evaluating…risks" (Whyte 2017; 155). Once again, not unlike the case of the Branch Davidians in which the ATF purposefully did not seek out the advice of a behavioral specialist or a religious scholar who might have helped them to get a better grasp on the situation before storming in, metaphorical guns blazing—we see a government that is potentially more concerned with achieving a specific end than with protecting the people.

There are deep, religious connotations within the movement. Members of the tribe have stated that the "land is sacred, a living breathing entity, for whom we must care, and she cares for us" (Whyte 2017; 156). And in response to non-violent efforts to protect the land from the DAPL, tribe members have been "pepper sprayed, shot with rubber bullets, attacked by dogs, denied nourishment and supplies, threatened by lawsuits, and drenched with cold water during the onset of winter temperatures" (Whyte 2017; 156). In many ways, the manner in which the government is treating the protestors is infinitely worse than how they treated the Branch Davidians—at the very least, these acts would be considered inhumane. The level of violence displayed here, especially toward a group of non-militarized, non-apocalyptic civilians, is horrifying and has not been touched upon in any of the abovementioned case studies. This case serves as an important reminder that trends are not the same as universal truths; there will always be outliers. Though the government seems to have adopted a general policy of inaction, there is always the potential for a situation to escalate and promptly spiral out of control.

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There is a similar problem at the heart of the occupation of the Malheur Occupation—though the ultimate outcome was decidedly different. Also in 2016, "a self-styled group of armed patriots set off a firestorm of controversy…when it took control of the Malheur National Wildlife Refuge Headquarters thirty-five miles south of Burns, Oregon" (Robbins 2016; 574). The set-up sounds eerily familiar to that of the Montana Freemen, who also locked themselves up on a plot of land that had become the property of the state after the owner refused to pay his taxes (Wessinger 2000; 163). Very much in keeping with the sentiment of the Montana Freemen, these men walked around toting mini-Constitutions in their pockets and "spouted arcane interpretations of our nation's founding document" (Robbins 2016; 575). While this is not necessarily a case of the individuals feeling that the government was infringing upon their right to practice their religion, it was a case of conflicting ideologies about the purpose of government—or, in the case of some members, the existence of government as a whole (Robbins 2016; 576). While the confrontations between tribe members and law enforcement in North Dakota are notoriously violent, none have led to death; in the case of the Malheur Occupation, however, there was a single casualty before the group ultimately surrendered (Robbins 2016; 574).

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As the Malheur Reserve is publicly owned land, the government had every right to come in and forcibly remove the men from the premises. Not to mention the fact that this was not the first government standoff that many of the men had taken part in—according to Robbins, a number of the men who were arrested "had participated in a confrontation with federal agents two years earlier at Cliven Bundy's ranch in Bunkerville, Nevada, because Bundy refused to pay fees to graze cattle on federal lands" (Robbins 2016; 574). In fact, the Malheur Occupation is very similar to that of the #NoDAPL in that they both deal with the government intervening and

seizing upon lands that they feel the government does not have the right to. However, Malheur ended nonviolently, with the only casualty being a man who had crossed a "highway blockade" on his way to visit another group member (Robbins 2016; 574). These two cases serve to demonstrate that the conflicts between civilians and government are not merely in the past, and that violent conflicts did not end with the likes of Waco and Ruby Ridge.

When asking the question of "so what," it is important to consider that religion still plays a major impact in the crafting of legislation—sometimes to the point where it contradicts the federal precedent. But it is also important to remember the religion's role in the political sphere is changing, and as such, it is only one of several factors which are taken into consideration during the legislative process. To reiterate what was noted above, violence does not end at Ruby Ridge. In fact, when examining more modern day cases of violent government conflict, one can see the shadows of past events looming over the participants. In a way, it is almost as if history is repeating itself; and with this revelation in mind, it is important to study these past tragedies to better prepare ourselves from repeating those injustices that have been committed in the future. After all, just because one's First Amendment rights have not necessarily been infringed upon does not mean there is not the possibility that other injustices were not committed here.

X. Conclusion

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In this paper, I have illustrated that the level and type of governmental interference in new religious movements has likely decreased dramatically due to legal and societal changes, evolving from dramatic showdowns that left numerous dead on both sides to relatively peaceful de-escalations brought about by uneasy understandings.

First, I laid out clear definitions of my terms, and then further expanded upon their legal interpretation through studying three different court rulings. Interestingly enough, the first two court rulings predated the mass murder-suicide at Jonestown by several years. In each of these cases, the court upheld the right of the individual to practice their religion as their religious doctrine mandates, even if this directly contradicts the interests of the state. The third case, while it never reached the level of the Supreme Court, serves to highlight the limitations of freedom of religion—as Woolley stresses in his article, "the freedom to believe is absolute, the right to act on that belief is not" (Woolley 2004). Examining these court cases, in conjunction with detailing the horrors that occurred at Jonestown in 1978, helps to lay the groundwork for understanding whether or not the federal government may have infringed upon the constitutional rights of any of the members of the new religious movements that I studied here.

The most violent government reaction seen here is in the case of the Branch Davidians. While the fact that the FBI did not fire upon the Davidians' once is up for debate, the manner with which they engaged the Davidians' (i.e. conducting the initial raid based off of allegations that were not wholly within their jurisdiction, at times completely disregarding the impact of their religious dogma on the way in which events were proceeding, and eventually conducting a siege that would leave numerous casualties on both sides) was incredibly violent. Although their rights were not directly infringed upon, the raid/siege of Mount Carmel does raise a wide variety of questions on what the appropriate level of violence (if there even if such a thing) would be in situations such as this. As I progressed through the other two case studies, I attempted to flesh this concept out further.

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Just a few short years later, when the FBI was engaged in an 81-day standoff with the Montana Freemen, there was no violence leveraged by law enforcement at all. The Montana

Freemen and the Branch Davidians had a similar propensity for violence—in fact, one could argue that the Montana Freemen were even more likely to escalate to violence, considering that they had, in the past, made several threats against prominent state officials and on numerous occasions, threatened to kill all those who did not adhere to their specific world view. That being said, the FBI and then-Attorney General Janet Reno were both determined to keep violence to an absolute minimum in order to avoid needless tragedies like Ruby Ridge and Waco. Therefore, even if there was some level of trickery involved in the proceedings, the standoff was ultimately deescalated by a peaceful surrender.

The final case study serves to reinforce this new concept of peaceful coexistence. With the WBC, there is little to no threat of militarization, and as such it is incredibly unlikely that the government would step in to engage them violently in the first place. However, as explored in the case study, it seems as if the government is willing to take this relationship even one step further. There is a marked evolution from the Branch Davidians, in which people cowered in fear at the term 'cult', to the WBC, in which people have adopted a sort of intolerant-tolerance. By this, I mean that people might not agree with what it is that they have to say, but they also, in a sort of roundabout way, understand that their message is considered 'protected' speech and that there is little that can actually be done about them. In that same way, government and law enforcement might find their ideology repugnant and believe that it runs completely counter to everything that we believe to be fundamentally 'American,' but there will be a definite hesitance to engage them head-on in the future.

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I have achieved my three major goals for this assignment. First, I examined how the legal definition of freedom of religion compares to the historical decisions rendered by both the Supreme Court and lower courts of the United States. Second, I have illustrated how these cases

have affected the socio-political climate of the United States—the evolution of which is seen through the lens of almost 30 years of government confrontation with new religious movements. Finally, I have applied my findings to the cases of the Branch Davidians, the Montana Freemen, and the Westboro Baptist Church, in an effort to better understand whether the government infringed upon the various groups' constitutional right to freedom of religion when they engaged (or did not engage) with them.

My conclusion is that the government did not infringe on anyone's rights, but rather engaged the groups on the basis of laws which had been violated and tackled the issue of religiosity later. Additionally, there has been a measurable decrease in government interference with new religious movements for a variety of reasons, as seen through the distinct lessening of violence exerted between the case of the Branch Davidians and that of the Westboro Baptist Church.

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