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The Twelve Tribes' Communities, the Anti-Cult Movement, and Government's Response

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The Twelve Tribes Messianic Communities are approximately 25 communities ranging in size from 30 to 120, on four continents. Since their inception 25 years ago, they have been plagued by continual attacks of the Anti-Cult Movement (ACM), originally in North America, but in recent years also in Europe. These believers live a common life of sharing in Communities according to the pattern they perceive in Acts 2 and 4 in the Bible. Despite repeated vindication in the courts, Twelve Tribes' members continue to battle to maintain the right to parent their children according to their beliefs, outside the mainstream popular culture. Antireligionists have effectively influenced governments to act against these parents, based on information that has not proved to be trustworthy evidence in court.

KEY WORDS: Twelve Tribes; Island Pond; Canada; France; Germany; Anti-Cult Movement; children.

INTRODUCTION

Since 1972, in the 25 locations where the Twelve Tribes/Messianic Communities live throughout the world, members have encountered state and local governments who challenge their right to live in obedience to their view of the Bible. This paper focuses on several of the more prominent conflicts members have faced with state governments and demonstrates the influence of the Anti-Cult Movement (ACM) on government officials. The ACM is an international movement made up of organizations and individuals whose goals are to use sometimes exceptional means to exert control over new and minority faiths (Shupe and Bromley, 1980, 1994; Bromley, 1998). The ACM has infringed on the freedom of

¹Trial and appellate lawyer, Vermont, focusing on constitutional issues, who has handled some legal matters for the Twelve Tribes communities, and who is also a member. This paper summarizes and integrates two larger papers presented at professional meetings, Swantko (1998a,b), both of which are available, with appendices, at www.twelvetribes.com.

Twelve Tribes' members to practice their faith without government interference. Having faced numerous legal battles in the courts, members have been plagued by attacks generated from the ACM, whose exaggerations and misrepresentations seem to never die, despite the fact that their claims remain unsubstantiated by credible evidence when tested in court. The examples that follow indicate a lack of adequate education to the tactics and agenda of anti-cultists who try to use the legal system to advance their own interests at the expense of violating fundamental freedoms of members of new religious movements. Consequently, there is often a discriminatory or at least delayed response by state government, its agents, and the courts.

BEGINNINGS OF ANTI-CULT ACTIVITY AGAINST THE TWELVE TRIBES MESSIANIC COMMUNITIES

The ACM was initially fueled from fear evoked in parents in the 1960s, when a whole generation of young people began to rebel against their mainstream values, including institutionalized religion. At its inception, the ACM convinced parents that the reason their children had left the mainstream was because they were under "mind control" and desperately needed to be "rescued" and brought back to their senses (Shupe and Bromley, 1980; Palmer, 1998). Since this beginning, the ACM has grown and spread its efforts around the globe, becoming what Shupe and Bromley (1994, p. 3) call a *social movement industry*.

In the mid-to-late 1970s, a method used by anti-cultists to "bust cults" was *deprogramming*. Several Twelve Tribes Messianic Community members were forcibly seized from the community in which they were living peacefully only to be harangued, harassed, threatened, and humiliated for adherence to their chosen religious beliefs. Their documented accounts illustrate how the ACM effectively persuaded courts, media, law enforcement, and social workers to tread on individual rights, failing to respect the protections of religious freedom. The most publicized incident was that of Kirsten Nielsen in 1981, who was kidnaped at the age of 21 by her parents and associates of Ted Patrick, a notorious deprogrammer who claims to have deprogrammed thousands of members of newer religious groups (Patrick, with Dulak, 1976). Kirsten is now 40 and happily married, residing in a German Community with her husband and six beautiful children.

However, it was the attempted deprogramming of Rebecca Westbrook in 1980 that exposed both law enforcement and the court's involvement with anti-cult activist Ted Patrick. In this case, Rebecca's father, who was a county detective in Tennessee, used a falsified arrest warrant to get his 27-year-old daughter into "protective custody." The consequences of this deprogramming, recounted in Rebecca's own words in 1995 (available as Appendix E.2 of the "Island Pond" paper at www.twelvetribes.com, as are more details of the Kristen Nielsen

deprogramming), show how her family was misled by ACM rhetoric in ways that destroyed family ties for years. The account also shows collusion between her father and the judges who handled the case.

The result of the local government's collaboration with the goals of the Citizen's Freedom Foundation (CFF) brought devastation to the Westbrook family. Deprogrammer Ted Patrick was given so much credibility that these officials deprived Rebecca Westbrook of her rights under the Constitution and were willing to let bogus charges against her stand to cover up their own misdeeds.

FROM DEPROGRAMMING TO CHILD ABUSE CHARGES

By 1982, the strategy of anti-cultists against the Twelve Tribes shifted from allegations of mind control to claims of child abuse (Palmer, 1998, p. 198; Richardson, 1999, pp. 174–177). Leaders of the CFF held several meetings in Barton, Vermont, to “educate” local people about the “dangerous cult” in Island Pond, where a Twelve Tribes Community called the Northeast Kingdom Community Church had begun in 1978, named because of its remote location in Vermont's “Northeast Kingdom.” Part of the strategy was to spread inflammatory statements and have them reported by the media. The calculated purpose was to create suspicion and sway public opinion against the community. In the wake of Jonestown, the locals of the Northeast Kingdom in Vermont were easy prey. For the most part, the media's sensational reporting fit perfectly into this plan to control or even destroy this particular religious group (consequences of this concerted effort are discussed herein). As stated in Richardson (1999, p. 173), “There was a confluence of interest among disenchanted parents, government officials, journalists, and others, many of whom desired to exercise control over [a] new religion.”

The next step was to use a willing apostate with a personal vendetta to launch a legal battle for custody. The CFF found their man in apostate Juan Mattatall, who fits many characteristics presented in Wright's analysis of the apostate role (Wright, 1998). In November 1982, the CFF had a public meeting in Barton, Vermont, 20 minutes from Island Pond. A press release warned citizens of the “sect charged with child abuse” (see Appendix I of “Island Pond” paper on www.twelve-tribes.com). Priscilla Coates and Galen Kelly, two key ACM leaders, were invited guests who organized the meeting with a local citizen who was a licensed practical nurse. Mattatall's case was one of three custody battles launched against community parents in the early 1980s through the influence of CFF. Community members involved in these custody disputes found their religious beliefs being viewed as criminal instead of being protected by the courts. Judges proved wary of an unfamiliar group and were persuaded by the deceptive tactics used by anti-cultists charging “abuse.” Eleven children were taken from their mothers in the Twelve Tribes' Communities in the three separate custody battles. Between 1982 and 1990, these children rarely, if ever, saw their parent who lived in the Community. Nine

of these 11 now reside in the Twelve Tribes Communities; 5 are married, and all lament the fact that they were ever taken away.

INTERNATIONAL EFFECTS: THE FOCUS IS CHILDREN

Violations of community members' freedom of association, as well as their freedom of religion, since the early 1980s is apparent from court records and some judicial decisions. Although in incident after incident, Twelve Tribes' members eventually have been exonerated by the courts, the preruling allegations based on untrustworthy data and unsubstantiated claims continue to be circulated against other community members around the world. This use of unreliable information has led to premature governmental action based on prejudice, not facts based on evidence (see discussion of apostates involvement in legal efforts at social control in Richardson, 1998). Most seriously harmed by these actions have been the children who were taken from their secure lives in the Community and subjected to confusing, conflicting, and deceptive tactics that undermined their faith and the faith of their custodial parents. Some still suffer the effects today.

Social service agencies, law enforcement, and the courts have the power of the state's resources at their disposal to promote the general welfare of citizens. When misinformed by anti-cult propaganda, state agents sometimes use their authority to unleash the awesome police power of the government. "This awe-inspiring power can be unleashed by any person making the claim that child abuse is occurring" (Richardson, 1999, p. 175). Those who advocate for expansion of state powers to intervene to protect children "in cultic settings" (Malcarne and Burchard, 1992) have not recognized the basic unreliability of information generated by anti-cultists and the magnitude of the effect such information can have on government officials such as those involved in the Island Pond raid. Being in such a vulnerable and prejudiced position leaves a Community member to face a tremendous uphill battle just to have a voice in a forum free from religious prejudice. The damage to lives has been high, especially to the children, who, ironically, government agents claim to protect the most.

Although the stale and inflated claims from North America now circulating in Germany and France have found little credibility in the American or Canadian courts, they continue to be used as a basis to substantiate complaints against European Community members (to be detailed herein). In most instances, anti-cultists do not inform about the judicial acquittals, court findings of religious discrimination, and children eventually being returned home to the Community.

For the most part, in the end, appellate courts have eventually protected Community members and upheld their rights. This protection has usually been won after individual members struggled for years to find a way to be heard within the legal system. It has not come without unwarranted time in jail on the part of some, including two fathers involved in custody battles described herein. Victories in these

several legal matters have come at a great cost to the principals, their families, and the reputation of the Twelve Tribes as a people. Several of these cases are discussed in more detail to show the costs of governmental authorities accepting ACM claims at face value.

THE VERMONT CASES

In Re: Certain Children—The 1984 Raid on the Church in Island Pond

On a Friday morning, June 22, 1984, in the sleepy rural village of Island Pond, Vermont, nestled in the Green Mountains just south of the Canadian border, the power of state government descended on 350 believers. In an effort to satisfy themselves that the children who resided within that church community were not being severely abused, the state invaded. Ninety Vermont state troopers in bulletproof vests and 50 social workers armed with virtually unlimited police power raided 19 homes in the predawn hour, demanding the names of the children and the children themselves. A local judge had signed a search warrant to legitimize the round-up of the unsuspecting children. The zeal of the social workers allowed them to intrude confidently into the lives of these little ones as if they were doing them a great favor, rescuing them from the abusive clutches of their fanatical parents. One hundred twelve children were unlawfully seized that morning because of the religious beliefs of their parents (see appendices A and B of "Island Pond" paper at www.twelvetribes.com for language of the search warrant and the judge's opinion). The warrant read "*In Re: C.C.*" to stand for "certain children" because the warrant was so general that it had no names. It gave the addresses and descriptions of the 19 residences and buildings that a citizen anti-cultist identified for the state as belonging to the Community. It authorized seizure of "any and all children under the age of 18 found herein." Later that day, the Assistant Attorney General responded to the judge's question asking what the danger of harm was to these children. He answered that "it's as if the child is living amongst bacteria and the bacteria in this case that jeopardizes this child's health is the teachings and doctrines of the church" (*In Re: CC.*, Orleans District Court, Unit III, Transcript, p. 67, June 22, 1984).

After being transported in police custody to the courthouse in Newport, Vermont, some 20 miles away, each family waited their turn to appear before a judge who would decide if they would be separated. Happily for the parents, Judge Frank Mahady respected the Constitutions of Vermont and the United States and did not judge by the barometer of public opinion as he conducted some 40 individual detention hearings that day. When he called the lawyers from the State Attorney General's Office to provide evidence of abuse to justify the seizure of each child, the State of Vermont was left with little to say, except to speak against the beliefs and lifestyle of those brought to court.

Court continued late into the night, calling each child by name. Each one was sent home with his parents because there was no basis to keep even one for examination by the state's battery of doctors, social workers, and psychiatrists who sat to no avail nearly an hour away at a ski resort, waiting to perform their scrutinizing evaluations. At around 9 PM, Judge Mahady, after handling 40 individual children's cases, had to decide what to do with the large group of children (approximately 60) who remained. After hearing the arguments, he released them *all* to return home with their parents. He gave the opportunity for any parent who had something to say, to speak. Many passionately told the story of their day and spoke of their deep gratitude for a judge who ruled justly. By 11 PM, a bus of tired but rejoicing families headed home to Island Pond, singing the praises of their God and giving thanks for the judge whose humble response was, "I'm only doing my job" (Court transcript, June 22, 1984, *In Re: C.C.*).

1982–1984 BACKDROP

Juan Mattatall was a church member who, in 1982, after leaving the Community, sought the aid of an ACM group CFF to launch a campaign to get his wife and children "out of the cult" in the midst of their custody battle. In the Mattatall case, the alleged and misrepresented religious beliefs of the Community mother were weighed against her more than the substantiated pedophilia of the father. Affidavits of three alleged victims of Mattatall were available to the Court, but were not considered during the custody hearings, which resulted in custody being granted to the father. (In 1985, Mattatall also pled guilty to a charge of lewd and lascivious conduct in Osceola County outside Orlando, Florida.)

Mattatall was a child molester who vowed to "destroy the Community" when his wife would not leave the Community with him. He told the world that the Community "splits up families" and won custody of his five children, making great photo press on the front page of a statewide newspaper. Once in the custody of their father in Florida, he deprived the mother of her court-ordered visits and the children spent a good deal of their childhood in foster care and orphanages, their father being charged with sexual crimes on children. Juan Mattatall's own mother shot him dead in April 1990 in Oveido, Florida, whereupon the children returned to the Community in Island Pond, Vermont, with the mother, where there was much rejoicing over their return. His mother killed him and then herself to escape from "the grief that seemed destined to continue 'due to his troubled life which' had been a non-stop series of problems with children and the law" (see Appendix F of "Island Pond" paper at www.twelvetribes.com for affidavit of Mattatall's daughter). The five Mattatall children are now aged 18–25, and four of them reside in the Twelve Tribes Communities in the United States.

**VERMONT ATTORNEY GENERAL'S OFFICE:
INFLUENCED BY ACM**

In the wake of Mattatall and the other custody cases in 1982, Galen Kelly, a well-known deprogrammer who has himself been charged with kidnapping in a deprogramming case, and Priscilla Coates, an activist in the CFF, provided a list of people who had left the group to the Attorney General's Office in Vermont, many of whom had been deprogrammed. One such person named Michael Taylor recalled that, after his deprogramming by Galen Kelly, he attended a meeting in Burlington, Vermont, where Kelly vowed he had a "fool-proof plan to bust up the Northeast Kingdom Community Church." Kelly then took Taylor immediately to a Vermont State Police officer and the director of the Newport Social Services Office, who were sent on a mission to travel around the country to gather negative information on the church, mainly through interviewing a few former members. Malcarne and Burchard (1992, p. 81) acknowledge these interviews a year before the 1984 raid without any admission that anti-cult activists Kelly and Coates had provided the Attorney General of Vermont a list of apostates for state investigations to probe. Child abuse laws require the reporting of abuse, but do not contemplate governmental officials being sent out to seek information based solely on suspicions deriving from the religious beliefs and practices of parents.

In 1983, Kelly, working with Mattatall and local participants in the CFF, proceeded to execute his plan by visits to the Vermont Attorney General, who responded to the fear he generated (see Palmer, 1998, p. 197, for a discussion of the influence of Mattatall). By the time this state team of investigators left Vermont, they had already been strongly influenced by the claims of the anti-cultists and were convinced that child abuse and mind control were commonplace in the Island Pond Community. So they went, at taxpayers' expense, touring the country to talk to a dozen or so former members, returning with what they thought was the necessary ammunition "to get the Church in Island Pond." In a coordinated effort, these two antireligious zealots, Kelly and Coates, prevailed on the Attorney General's Office and the Governor himself to adopt as true the unreliable information collected by the two state employees sent to investigate. Taylor and other defectors' distorted, "deprogrammed" accounts were presented as truth to the judge, who issued a search warrant to raid the church community. They provided the fodder for local law enforcement to compile a 32-page affidavit used to secure the warrant, which was replete with unfounded stories of abuse and strewn with erroneous and sensational interpretations of doctrine.

Of the 14 people quoted in the affidavit, at least 6 had faced deprogramming efforts by anti-cultists. Their testimony was less than reliable, having been tainted by undue influence and distorted in the retelling (Palmer, 1998, p. 199). Once hearing of the raid, several ex-members called Community members and told them of the pressure tactics used by the state investigators and how their statements

had been misquoted, exaggerated, and edited so as to be misleading. In 1998, Michael Taylor wrote a detailed affidavit in which he chronicled how he was “deprogrammed” by Galen Kelly, and confirms the pressure tactics used by state officials to extract false and exaggerated statements prior to the raid (see Taylor affidavit at www.twelvetribes.com). There were no affidavits from current members attesting to the accuracy of claims about beliefs and practices of the community, or from parents and friends who regularly visited the Community who had firsthand knowledge of Community practices. Contrary to sound social science research methodology, anti-cultists often make a deliberate practice of avoiding the use of members or supporters as sources of information about a group.

Many well-intentioned civil servants (e.g., social workers, supervisors, judges, law enforcement officers) were led to believe that they were doing a good deed to protect innocent children, and to this day remain none the wiser. There were several state police officers, however, who regretted participating in the raid at all, for they knew it was unlawful, but followed orders anyway. To their credit, some of them spoke of their shame publicly. Captain Michael LeClair, who retired from the Vermont State Police in August 1996, was quoted in the *Rutland Herald* saying that the only case in his career that he regretted participating in was the Island Pond Raid because “he knew it was wrong” (*Rutland Herald*, 1996, p. 1).

The raid was a major embarrassment for the State of Vermont. The warrant-signing judge later acknowledged publicly in 1987 that he had been “pressured” to believe bad information from prejudiced sources that he should not have relied on. The two judges most intimately involved with the facts and the law in the raid case found that it was grossly unlawful, unconstitutional, and regrettably authorized “under pressure.” The source of this pressure was the effect of the propaganda generated by leaders of the ACM on public officials. It produced a dangerous outcome in a land that promises religious freedom, and the pattern continues today.

Three days before the ill-fated raid, a Family Court judge rejected the state’s request to force seven Community men to divulge the names “of all the children whom they lived with” (Summons, June 19, 1984, in *Re: C.C.*, Vermont District Court, Unit III). Despite jailing these men for several hours for contempt, 85-year-old F. Ray Keyser later released them. Judge Keyser made the constitutional and statutory prerequisite of individual treatment for Church members abundantly clear to state officials. Judge Keyser, a retired Vermont Supreme Court Justice, was the judge of their legality that day and he found the state fell short.

This was the state’s final effort to proceed lawfully and the court rejected it, warning the state lawyers that they needed “the specifics” and “the names” to go further. (See Richardson, 1999, for more discussion of this legal requirement and the problems it can raise for authorities.) Despite this explicit ruling on June 19 in favor of the Community parents, the state authorities did not abide by it. When this judge followed the Constitution at an inquiry to force church leaders to give the names of innocent church members, the state simply ignored his ruling. Without

the legally required specifics, state lawyers a few days later misled a judge into signing a search warrant by persuading him with anti-cult generated information. This warrant was soon determined to be grossly unconstitutional.

The checks and balances offered by the judicial branch, which had judged the illegality of the state's actions against its citizens, was ignored by the executive branch when they took armed police action against Twelve Tribes' members 3 days later. What one court told a team of attorneys from the attorney general's office that they could not do on Tuesday, Judge Mahady told them again they could not do, and should not have done, on Friday, June 22, 1984. The intrusive raid ensnaring 112 children from a supposed "cult" made the nightly news from the east coast to the west coast of the United States. The focus of news accounts, however, was the alleged child abuse by Community members, *not* the state's abuse of power against a minority religion. Vermont officials simply relied on their own judgment rather than the ruling of the court. They took the law into their own hands. Such abuse of authority against a minority religion without reliable evidence is the essence of prejudice, and it is the greatest threat to a democratic society.

STATE V. WISEMAN (1983)

A simple assault charge was brought against Charles Wiseman in 1983 for spanking a child, Darlynn Church. This was the most notorious charge against a church leader, and it received inflammatory publicity of unprecedented proportions during the year before the raid. The charge grew out of public perceptions, fueled by the ACM, that children in Twelve Tribes communities were at risk because of a policy of using corporal punishment with children. Members do use corporal punishment, but abusive punishment is not taught or condoned.

The *Wiseman* case was eventually dismissed for lack of a speedy trial on June 13, 1985. When the state tried to use the unsigned depositions of a father and his daughter after they had recanted these exaggerated accounts, the trial court said no. The State of Vermont's appeal of that ruling was denied. Once the witnesses were available and explained how they had been pressured by anti-cultists and state agents to produce evidence against Wiseman, the state no longer sought their live testimony. Defector Roland Church and his 13-year-old daughter Darlynn became the unwitting pawns of Galen Kelly and his plan to destroy the Community Church in Island Pond. Consequently, the trial judge found an attorney for the State of Vermont guilty of misconduct, an ethical violation, for their strategy of appealing to delay the case when the witnesses were ready to testify to the truth in support of Mr. Wiseman, the Community Church member.

The *Wiseman* case is a vivid example of how important it is for the checks and balances system of government to work. For citizens to be protected from abusive authority by the state and the purpose of government to be served, each branch

must function as a check on the other. In *Wiseman*, the judiciary stopped unlawful executive action.

Today, the alleged victim is a 29-year-old mother of three who has nothing but friendship toward her once-alleged “abuser” and regret for what her father’s cooperation with the state put *Wiseman* through. She clearly remembers the intense pressure tactics used on her by the state Department of Social Services and law enforcement who “put words in her mouth” to exaggerate her account, thereby providing the basis for a criminal charge. Like Michael Taylor in 1998, her father, Roland Church, executed an affidavit attesting to how he was used and manipulated by anti-cultists in 1983 and he tells his story to set the record straight (see Roland Church affidavit at www.twelvetribes.com).

ANTI-CULT RHETORIC LIVES ON

Since the pre-raid gathering of information in 1983–1984, the same anti-cult propaganda that was discredited in court 15 years ago has been relied on repeatedly in courtrooms by government agencies in criminal cases, child protection cases, and custody cases, both in the United States and abroad. The religious freedom of Twelve Tribes members has been seriously jeopardized when government officials have relied on mere subjective opinions of antireligious zealots as true and have acted on them without evidence to back up their claims. Anti-cult activists have claimed to be experts in matters of faith and have effectively convinced government officials that they are trustworthy when they are not. Their credibility was not and is not questioned, although the law requires their trustworthiness to be proved. The failure of the government to investigate the allegations of the anti-cultists before relying on them as true has had serious social consequences, especially for members and their children.

CANADA: *THE QUEEN V. DAWSON* (NOVA SCOTIA)

Perhaps the best example that shows the cost to individuals when governments are not careful to protect religious liberty and guard against discrimination is the story of a father and son, Edward and Michael Dawson (for details, see “An Issue of Control” at www.twelvetribes.com). Dawson became a believer in a Twelve Tribes Community in Nova Scotia in 1986, 3 years after Michael was born in Montreal. He is victorious after 10 years (1987–1997) of legal battling in the province of Nova Scotia. Two court decisions, one in 1988 and again in 1997, found that provincial government officials in that province discriminated against Dawson because of his religion when deciding who had authority over the life of his son Michael.

In 1986, Michael’s mother executed a written agreement giving Dawson sole custody. In 1987, when Michael was 4 years old, he was seized by a team of social

workers and police officers who came to the Community at the Myrtle Tree Farm in Annapolis Valley, Nova Scotia. After 44 days in foster care without seeing his father, the boy was returned to his father because of an appeal court decision. The Nova Scotia Court of Appeal rebuked the social service agency and acknowledged Dawson's practice of "kind, but firm" physical discipline that was sanctioned by his faith. The decision rocked the social service community.

The seizure stemmed from an exaggerated report by a visitor to the Community who had been influenced by anti-cult reports of alleged child-rearing practices by Community parents. The Nova Scotia social services also had a file compiled from social services in Vermont that was full of inflammatory news accounts and magazine articles defaming Dawson's faith, generated by anticult activity with the deliberate intention to destroy the small religious community. The fact that the Vermont raid had been illegal did nothing to prevent the social workers from relying on the same bad information 3 years later. Instead, they waited for the opportunity to seize a Community child to investigate. Under cross-examination, the doctor who examined Dawson's son revealed that, in fact, he had not written the affidavit substantiating Michael's need for protection, but rather that he had "just trusted the social worker and signed it," after reading an inflammatory magazine article she had given him, acquired from Vermont (court transcript in *Family and Children Services of Kings County v. Dawson*, Sept. 1987).

In the intervening years between 1988 and 1992, Michael's mother took advice from anti-cultist Michael Kropveld, head of *Infosecte Montreal*, a major Canadian ACM organization, who reinforced her fears about the Community and influenced her to seek custody of him. Despite their earlier agreement, she developed and executed a devious plan to acquire custody. In 1992, she went to court without giving Dawson notice of the hearing and called a local antireligionist witness who had never even visited the Myrtle Tree Farm Community, to convince the court that it was a cult and a dangerous place for her son. He spoke untruths about Dawson's faith that were effective in persuading the judge to make an order changing the boy's custody status without his father having a chance to appear or present evidence. Within days, Dawson, who left with his son to avoid giving him up to authorities under these circumstances, was charged with parental abduction after the Royal Canadian Mounted Police believed the mother's version of the events and relayed those supposed "facts" to the local prosecutor. Without much effort, he obtained the required consent of the provincial attorney general, who had been lobbied by a national senator after being contacted by the mother who maligned Dawson's religious beliefs and associations. Eventually, in 1994 and again in 1997, after a trip to the Supreme Court of Canada, Dawson was twice acquitted of kidnapping his son.

The pattern of the two acquittals reveals the persistence of officials in the case. Dawson was acquitted of abduction in a court trial in September 1994. The Crown appealed to the Supreme Court of Nova Scotia, winning a new trial in 1995 through the appeal. This decision, however, gave Dawson an automatic right of

appeal to the Supreme Court of Canada, which granted a new trial, with two strong dissents written by the current chief justice (who said the majority decision was “not worthy of the history or the Constitution of Canada”).

In his November 1997 2-week jury trial, Dawson represented himself. His 15-year-old son testified in his defense. The jury unanimously found Dawson not guilty. A judge of the Nova Scotia Supreme Court found as fact that the mother, her lawyer, and an anti-cult “expert” had seen to it that Dawson was excluded from the March 1992 hearing in Family Court *because of his religious association*. Judge John Davison ruled that indeed, Dawson had been denied fundamental justice because, “some people had used a certain degree of force to undermine Dawson’s faith.” The judge found Dawson’s deliberate exclusion from the court hearing to be improper activity in a country that claims to protect religious freedom.

LEARNING FROM NORTH AMERICA’S MISTAKES

It is instructive to consider a 20-year history of conflict between the Twelve Tribes communities and state government in North America (1978–1998) and the judicial decisions rendered. Hopefully, scholars and practitioners can better educate political and religious leaders about how to respond to concerns raised about minority religious groups. It is imperative that judges, lawyers, social workers, law enforcement, government officials, and the media be educated on how to best judge the information they receive about a new religious group if justice is to be done. This need arises when officials receive complaints or inquiries about a group that they do not understand. Malcarne and Burchard (1992) propose broader authority based on the claim that “collective noncompliance” by Community members hindered the state’s efforts. Much like the much-criticized approach before the 1993 assault at Waco, where in the name of child protection 25 children were killed in the horrendous fire, Vermont officials proceeded based on ignorance and bad information rather than balanced, thorough, and careful research from objective sources. Key officials involved in the raid remain unaware that they were gravely misled by ACM tactics. Invaluable lessons are available by learning from the mistakes of North American social service agencies and law enforcement officials who have seriously misled both the public and the government. Inappropriate responses to religious minorities by governments based on misinformation can have catastrophic and fatal consequences, as the Waco tragedy shows (Wright, 1995).

Twelve Tribes’ former members Michael Taylor and Roland Church have now told why they made the claims they did. They now claim they were pressured by anti-cultists and that their subsequent statements were used irresponsibly by state officials in Vermont. Yet the documents misrepresenting them are still circulated by government agencies in Europe, including Protestant “sect” ministers in Germany and L’Association pour la Defense des Familles et de l’Individu (ADFI) in France

(see related articles by Introvigne and by Seiwert, this issue). Misinformation is spread maliciously when antireligionists mail old newspaper clippings of incidents about the initial stages of charges rather than sending the accurate disposition of cases reflected in court records (i.e., the dismissals). Although well aware that the courts have rejected this testimony as unreliable, antireligionists in the United States and Canada continue to circulate wrong and incomplete information with impunity. Often, social service agencies, law enforcement, and journalists do the same, trusting what is not trustworthy.

Two examples from the history of attacks on Twelve Tribes communities demonstrate the damage that can be caused by individuals in positions of influence. They are John Burchard, the Commissioner of Social and Rehabilitative Services in Vermont at the time of the raid in 1984, and Michael Kropveld, director of *InfoSecte Montreal*, a self-appointed expert on "cultic thinking," who gave counsel to Michael Dawson's mother for years in the early 1990s. Despite the fact that the Twelve Tribes' members had prevailed in the court cases in which these two were personally involved, each of them has either written or distributed untrustworthy accounts that are still circulating in Europe today, causing many problems for Twelve Tribes communities there.

VERMONT SOCIAL SERVICES COMMISSIONER: WRONG IN THE LAW AND ON THE FACTS

Approximately 1 month after the 1984 raid, the Commissioner of Social and Rehabilitation Services (SRS) of Vermont at that time, John Burchard, wrote a defense of the state's action called *Children at Risk: Why Protective Action in Island Pond Was Necessary* (Burchard, 1984). His 13-page self-serving justification was widely distributed and has, for instance, circulated throughout Germany, distributed by pastors, "sect" information officers appointed by the Lutheran Church, and others. Despite his justification that there was a solid basis to seize 112 children, the court found that there was not enough reliable evidence to detain even one! The case was also deemed so weak that an appeal of Judge Mahady's judgment filed immediately after the raid by the state was eventually withdrawn. Although asserting in his 1984 paper and another publication that Community members were noncooperative with state authorities (Malcarne and Burchard, 1992, pp. 80–83), Burchard does not mention that all members surrendered willingly to the authority of the state at the time of the seizure, did not use any force or resist the force that was used against them, and did not resist the court procedures that culminated in their being released to return home. A second major point made by John Burchard is that the state had exhausted all less-intrusive ways to ensure the protection of the children before launching the raid. The truth according to the law is that once the state failed to seize all of the group's children in their efforts by the legal avenues they tried, there is no provision in a democracy to proceed by

illegal means. However, in Vermont, the government did it anyway. Such actions were negligent, irresponsible, and not worthy of the public trust. Those who read Burchard's defenses of his actions do not receive the judicial opinion explaining why the reasons that Mr. Burchard offered to justify the state's action were inadequate, unconstitutional, and illegal.

The unlawful 1984 raid on the Church in Island Pond for the ostensible reason of "protecting the children" is an outstanding example to show why social workers need judges to oversee their work. The need for courts is to judge the legality of what state officers might otherwise think is a "good idea" or necessary course of action in the public interest. If the social workers or law enforcement officers were the judges with unchecked power, there would be no freedom for individual choices that did not conform to the opinions of the social workers or law enforcement officers. If and when such a day comes, democracy and freedom will not prevail.

Respect for John Burchard's job and his concern for children is unquestionable, but in this case he was wrong about the Church in Island Pond, yet the State of Vermont relied on his conclusions. He was apparently influenced strongly by anti-cultists and their stories without objectively judging their reliability. He asks in his paper of those who criticize the raid:

Are all these people uncaring, incompetent human beings who are only interested in the abuse of power? Those of us who were responsible for the decision struggled with the complex legal and human issues involved. But no one who had the opportunity to participate in the decision or the action that followed refused to do so. Why? I do not believe it was because they were coerced, cajoled or brainwashed into taking action contrary to their beliefs. *Rather those individuals had some very compelling information which guided their actions; information which was not available to the public.* I will provide as much of that information as is legally possible. (emphasis added; Burchard, 1984, p. 2)

The public servants were not uncaring, but they failed to do their job adequately. They believed people who had personal agendas and took action in the name of the public based on incompetent investigation. They were misled by bad information, which was later found unsubstantiated by Judge Mahady, who declared the raid unconstitutional. The state produced no evidence to prove its serious claims of mistreatment by group members. Also, Judge Wolchik, who initially signed the search warrant authorizing the illegal raid, later regretted the action as a "tragedy for the State of Vermont," acknowledging that he had been pressured to rely on bad information that was in fact unreliable (*Caledonian Record*, 1987). Judge Mahady wrote directly to John Burchard when he said in his judicial opinion denouncing the raid, "Even such a goal as avoiding the abuse of children, however, cannot justify the means employed here" [in *Re: C.C.* (August 8, 1984)]

The raid was determined "the worst state-sanctioned violation of children since Herod," violating the basic constitutional rights of hundreds of people (see Judge Mahady's opinion in *In Re: CC* (August, 1984), at www.twelvetribe.com, Appendix B of "Island Pond" paper). However, Burchard's pleas are still read and

relied on as true despite the fact that they were openly repudiated and rebuked by the court. Hence, the need to caution social workers and law enforcement officers: Be careful whom you listen to. Judges also need to be careful what evidence is relied on in cases involving controversial religious groups.

As indicated, Burchard defended his actions and made recommendations about changes he thinks are needed in laws governing such cases in another article (Malcarne and Burchard, 1992). This article also presents an incomplete and biased view of the facts of the case, and seems ignorant of the ACM influences over the process, as well as of the legal problems raised by the actions involved with the raid.

The changes of law recommended in Malcarne and Burchard (1992) are disturbing, because they would expand the power of the state considerably in dealings with religious communities and also thereby limit individual religious freedoms and the freedom of religious communities to practice their faith. Malcarne and Burchard claim that existing child protection laws expect parental cooperation and ready access to children at all times (1992, pp. 85–87). However, Malcarne and Burchard fail to appreciate that both parents and children are entitled to be judged by a government free from religious prejudice and by government agents who understand and respect the Constitution. Thus his recommendations seem one-sided and self-justificatory.

GERMANY 1994–1998: INFLUENCED BY MICHAEL KROPVELD OF INFOSECTE MONTREAL

The second example of social injustice caused by the influence of an individual is the use of material generated by Michael Kropveld, which has been circulated to officials in Germany. Twelve Tribes' members in Germany are faced with the report of Michael Kropveld of *InfoSect Montreal* being used to build a case against them once it surfaced in the hands of a member of the German Parliament. Previous to this report being released, Twelve Tribes Community members in Germany had a generally positive reputation and good communication with education officials. The Kropveld report is based largely on anti-cult misrepresentations from pre-raided days. In the United States, Twelve Tribes' communities have the freedom to home school their children according to their religious belief and practice, but parents in Germany are being pursued by the government on this issue because the government has never allowed home schooling. The educational authorities in Germany can find nothing wrong with Community members' lives or their children, except that the narrowly drafted education law makes no provision for parents to accept legal responsibility for schooling their children.

Kropveld provided an erroneous report alleging social, educational, developmental, psychological, and emotional harm to children in Twelve Tribes Communities to a father of a child whose mother lived in a Twelve Tribes Community in Pennigbittel, Germany. In that case, a father in search of information about his

ex-wife's new religion made inquiry to *InfoSecte Montreal* as to the anticipated effect of the Community on his young daughter.

Mr. Kropveld sent a 3-page letter to him allegedly "documenting" why his daughter would be at serious risk were she to live in the Community. His sources were newspaper clippings, television shows, a few critical ex-members, and other second- or third-hand sources attempting to discredit the Community. The letter relied on old information provided by Roland Church and Michael Taylor before the Island Pond Raid in 1984 and passed it on, even though 10 years after the 1984 raid, Kropveld was aware that Taylor and Church had recanted and that all the cases were eventually dismissed for lack of evidence. He passed much information on to the father (and therefore much of Germany) that was either deliberately, negligently, or, at best, recklessly false, libelous, and misleading. His letter, written in March 1994, is full of unsubstantiated claims about the practices and beliefs of the Community, some of which attach criminal liability to group members. He relied on information that he had to have known was untrue and contrary to available court records.²

In this 1994 letter, Kropveld persists in equating corporal punishment per se with child abuse. He fails to acknowledge, however, the fact that Community children receive outstanding reports from visitors, doctors, and friends, and that *all* cases charging abuse have been dismissed for lack of evidence or other reasons. A supposed truancy conviction in Vermont was cited when there has been none. In fact, the communities have an exemplary working relationship with the state Department of Education, as confirmed by a letter from their attorney in 1994 acknowledging that members comply with state law. Educators who visit communities often are impressed with the caliber of the children's interest, self-confidence, and friendliness, all contraindications of abuse (see Knapp report in Appendix M of Island Pond paper at www.twelvetribe.com).

Kropveld claimed six kidnappings by Community parents when there has not been even one. He ignored the fact that the Community parent had custody of the child in every instance he cited, and that all charges have been dropped. He also misrepresents the beliefs of the group, such as stating that members divide society into "two monolithic blocks," black and white (i.e., evil and good). Contrary to his personal interpretation presented as empirical fact, members believe that there are righteous people outside the Community, and that every man will inherit his eternal destiny according to his deeds.

So where is the accountability for such irresponsible actions? This German custody case is a prime example of how anti-cult activists fail to give members

²In January 1998, the author met with Kropveld and presented him with the 1994 letter to Germany and the documentation that proved his conclusions were biased, not objective, erroneous, untrustworthy, and not based on first-hand knowledge. He denied accountability, and has yet to respond to an invitation to a second meeting. He was also the consultant to Michael Dawson's mother, who claims that Kropveld "convinced her to take legal action" against Michael's father rather than to approach him personally about Michael's custody arrangements (see Island Pond paper, Appendix I, www.twelvetribe.com).

of an unsuspecting public the whole story. Both the father and his lawyer in this case trusted the "expert" opinions of Mr. Kropveld, using his letter and a letter from a German anti-sect information agency in Stuttgart as "evidence" in the custody proceeding, even though unsubstantiated. These personal letters to the father, along with other antireligious information, were eventually made available to the anti-sect network throughout Germany and had the effect of promoting religious intolerance through widespread publicity.

The result was that the girl was taken from her mother in the Community even though the judge could find nothing wrong with her except that she did not send her daughter to public school. In fact, the court's finding refuted the charges against the community:

Specific evidence is lacking as to the girl having been exposed to such treatments, especially the beating with rods for discipline. Up to now, she did not incur any damage in her soul or deficits in her personality. Also, no evidence was found of "psychological brainwashing" of her mother. The court has no right to judge the beliefs of the mother. This can obviously be contributed to the positive child rearing practices of her mother. In this aspect, she cannot be accused of any omissions. (*Schwiebert v. Schwiebert*, 1994, Family Court, Osterholz-Scharmbeck, lower Saxony, Germany)

This episode began shortly after the Community arrived in Pennigbüttel, Germany, in 1994, when Protestant Pastor Gert Glaser, an official Commissioner of Worldviews appointed by the Lutheran Church, began to attack the Community in the media and distributed antireligious and inflammatory information about the Community to government officials. Initially, education officials and the family court judge involved with the community turned a deaf ear, stating that they were uninterested in what supposedly happened in other Twelve Tribes communities in the United States and Canada. However, in August 1995, a few families moved to the small village of Oberbronnen in southern Germany, whereupon the same pastor wrote a letter of warning to the local mayors, churches, and the police.

Just days after writing a favorable newspaper report entitled, "All You Can See Is Happy Children," the same reporter produced a series of negative articles after receiving antireligious information. His sources were ADFI of France, Michael Kropveld, and a Vermont prosecutor who wrote a 2-page letter offering her misleading and inaccurate personal interpretation of members' religious beliefs and practices. This dramatic turnaround from "exemplary community" to "cult" by the media came about not by direct observation of life in the Community, but by reliance on the antireligious, unsubstantiated information gathered by the reporter from unreliable sources, yet used to inform the public. These articles served the purpose of putting public pressure on local officials to act.

As a result of this concerted effort, and the attendant negative publicity, Social Services took action and sent a letter to the local Family Court, asking if the children in the Community in Oberbronnen were in danger and if custody should be taken away from the parents. The fact that the parents of all children regardless of age

were under investigation by the Family Court reveals that it was not just a school issue anymore, but that the Community had been defined as a "problem" to the government based on the antireligious distribution of untruthful data. Eventually, a Family Court judge took responsibility for the issue and paid a surprise visit to the Community himself in August 1997, instead of trusting Social Services to conduct a psychological examination of all the children. He rendered a very positive report. He saw no need for a psychological examination, but ordered an academic evaluation of the school-age children, thus returning solely to the issue of compulsory education. Since May 1998, the parents and educational authorities have been communicating and working toward a solution that accommodates the needs of both the state and the families involved.

FRANCE: ADFI OPENLY ADVISES GOVERNMENT

Since the early 1980s, the Twelve Tribes/Messianic communities have had a group of approximately 100 or more that have resided at Tabitha's Place in Sus, near Navarrenx, France, within sight of the Atlantic Pyrenees. The leaders and administrators there have maintained open and working relations with local officials in the area. Over the years, the home education of children was questioned, as was the legal structure of the group and the practice of spanking children. However, on numerous occasions, the children have been tested by the educational authorities and also by Social Service officials. Community members cooperated with such investigations, and there was no cause for alarm on the part of officials about the well-being of the children.

Nevertheless, the media and the anti-cult forces have made a substantial impact as far as the public perception of the people at Tabitha's Place. L' Association pour la Défense des Familles et de l'Individu (ADFI), as a private anti-cult advisory group to the government of France (which in turn receives government funding from the French government), duplicates and distributes massive quantities of propaganda against the group. This material is untrue and untrustworthy, yet government officials have failed to properly evaluate its reliability.

The story of ADFI working against the believers at Tabitha's Place began in 1985. Newspapers reported that ADFI had been contacted by two sets of parents of members of the Community in Sus. The parents were a Mr. and Mrs. Nielsen from Los Angeles and a Mr. and Mrs. Töpfer from Berlin. After receiving information about the Community from ADFI, the Niensens hired a deprogrammer to kidnap their daughter. The Töpfers, however, chose to visit their son at Tabitha's Place in Sus before making any decisions about the well-being of their son. Since that time, the Töpfers have been friends of the Community and have visited several communities on two continents. The son, now a married man in his 30s with young children of his own, enjoys a good and friendly relationship with

his parents. Meanwhile, Kirsten Nielsen (mentioned earlier in this paper), who was deprogrammed twice at great expense to her parents, is now 40 and has hardly any relationship with them because of their unwillingness to respect her life in the Community.

In November 1988, there was another news article in a local paper, *Sud Ouest*, which said: "Another group denounced by ADFI, the Northeast Kingdom Community in Vermont, U.S.A., which was spoken of in the papers in 1984 when it had been stated that the children were *regularly beaten*. This sect has a subsidiary in Béarn, at Sus: Tabitha's Place" (emphasis added; Chaintrier, 1988).

This very first article reflects the seriousness of the problem with groups like ADFI that do not take the time to conduct adequate research to determine if the claims were true. Had ADFI desired accurate information, they could have easily discovered that in every case in which allegations of abuse were leveled in Vermont, all charges were dismissed for lack of evidence.

This example raises the question of whether ADFI and the French government itself want to know the truth. The Association for the Defense of Families and Individuals distributes destructive information that is relied on and recognized by the French national government, despite the antireligious bias of the information. There are repeated examples of officials visiting the Twelve Tribes Community at Tabitha's Place, examining children, and coming away with positive reports, but ADFI simply ignores such information. Despite the fact that courts have ruled favorably on behalf of Community members based on the evidence presented in individual cases, ADFI continues in its reckless dissemination of information about the Messianic Communities that is not substantiated. Meanwhile, the evidence suggests a more positive picture. An article in *Sud Ouest* in January 1996, reports: "During an unexpected visit, the substitute of the procurer in charge of the children, Frédérique Loubet, together with gendarmes, *met spontaneous people and especially children that did not look abused, but to the contrary. 'Nothing, for now, made me think that the judge for the children should intervene,' she explained*" (emphasis added; Aristequi, 1996, p. 20). The mayor of Sus also says that the people at Tabitha's Place "don't make problems, that they are polite, and that the children are beautiful." Members practice the teaching, "Train a child up in the way he should go and even when he is old he will not depart from it" (Proverbs 22: p. 6).

In another January 1996 article, ADFI alleges child abuse and child labor abuses in the Twelve Tribes Messianic Communities, but produces no evidence. The same article reports that the Renseignements Généraux (General Information Agency) qualifies Tabitha's Place as a potentially suicidal sect, but again without substantiating their claim. As a result, police investigations were conducted. After the police investigations were over, to his credit, the Minister announced that, "We are in a country of rights. These investigations cannot let us conclude to the claimed danger." A basic understanding of Twelve Tribes doctrine reveals clearly that the

suspected actions are not even in keeping with the faith of the believers there. Scholarly research confirms this (see Palmer and Bozeman, 1997, for discussion of Twelve Tribes' beliefs).

After a series of inflammatory articles about Tabitha's Place following the Solar Temple suicides in February 1996, the state sent out the gendarmes to investigate the people at the Community again. To quote from their report: "We could not see any trace of bad treatment, as the ADFI is claiming. There is no trouble to the public order. They stay home, work and go to the market" (Rouquier, 1996).

It is noteworthy that in case after case involving education, custody, and social services, judges and other public servants, in both Germany and France, have eventually been able to rise above the destructive tactics of the ACM by rendering fair decisions. They simply looked at the facts presented and rose above the prejudicial influences being promoted by anti-cultists and some government officials, even if this sometimes took a while to accomplish.

CONCLUSIONS

The anti-cult movement (ACM), which Shupe and Bromley (1994, p. 3) refer to as an *industry*, is not a reliable source when seeking the truth about the Twelve Tribes communities. After 20 years of harassment by the ACM, a review of the Twelve Tribes' legal history reveals that antireligionists have repeatedly influenced governments to unfairly prosecute or adjudicate controversies surrounding members of this religious minority. Religious discrimination by the government becomes apparent when one studies the facts and sees that, in case after case, anti-cult data was not a trustworthy source to rely on before making official judgments and taking public action (Shupe, 1998, pp. 209, 212–213; Palmer, 1998, p. 198).

The agenda of the former ACM-oriented Cult Awareness Network included activities that have been well documented. The following listing, derived from careful reading of Lewis (1994), suggests a pattern of action that seems demonstrated by the experience of the Twelve Tribes communities around the world. The steps include: (1) ACM representatives, including deprogrammers, contact disaffected ex-members (who may be engaged in a custody dispute); (2) they coordinate ex-members' meeting with media representatives to stir up public opinion; (3) after sufficient concern is aroused in the general public, they arrange for ex-members to give affidavits about abuse of some sort to social workers to begin regulatory and court proceedings; (4) they use courts, sometimes in *ex parte* hearings, to get judgments against the group that might eventually cause great harm to the organization; (5) they use the exaggerated and even untrue information to further promote the ACM agenda, which in turn causes more people to seek their services (which may be quite expensive); and (6) then they use this information to raise funds from the public to help fight the "cult menace." All of these methods have

been demonstrated by the ACM industry's effort to destroy the Twelve Tribes communities.

In the face of such tactics, Twelve Tribes' members eventually have been vindicated time and time again in the courts, although not without considerable disruption and difficulties for members. Prosecutors and local law enforcement and social service workers entrusted to promote the public good repeatedly relied on untrustworthy anti-cult information, which resulted in an abuse of state authority directed toward Twelve Tribes communities.

The ACM destroys the delicate balance that maintains social and political order by breaking down the boundaries of rightful authority separating government and religion. This is especially a problem in societies such as France and Germany, where there is sometimes a close relationship between private anti-cult groups and the government (see articles, by Introvigne and by Seiwert, this issue). By effectively influencing governments to believe that certain religious groups are a social menace because of what they believe, the stage is set to pursue individual members on a selective basis because of their "dangerous" faith, without reliable evidence that criminal or antisocial activity has happened. The law (at least in some countries) prohibits accusing someone based on guilt by association because guilt is personal [see *Scales v. U.S.*, 367 U.S. 203, 224–25 (1961)].

The ACM thrives in the gap, created by a failure in both governments and religions to recognize the legitimate authority of the other and to properly define their own social and political boundaries. Governments have been deceived into police action by emotional misrepresentations, persuaded to believe them and trust that force is necessary to maintain the public welfare. Anti-cultists, sometimes motivated by religious orthodoxy or antireligious sentiment instead of religious liberty, have sought to limit religious diversity, and cry "Heresy!" or "Abuse!" to provoke government interference in areas in which the government should not tread.

The ACM takes advantage of both mainstream religions and insecure government officials by invoking fear and inducing "moral panic" (Goode and Ben-Yehuda, 1994; Introvigne, 1998) in the public arena. The result is to convince governments that true religious diversity is unnecessary, and at the same time to convince established religions that anything outside the mainstream is dangerous and deserves to be destroyed. This trend is happening now. To maintain a democratic social order, it is essential that false information, induced hysteria, and fear do not replace vigilant, conscientious, and effective law enforcement and government policies.

Oppressive religious discrimination by the government of Vermont was the basis for the seizure of 112 children from the Church Community in Island Pond on June 22, 1984 (see judge's opinion at www.twelvetribes.com, Appendix B of Island Pond paper). In the case of the raid, the reality is that the state government of Vermont, having been persuaded by antireligionists, implemented a policy that

could have led to the destruction of the Northeast Kingdom Community Church in Island Pond. Once influenced to adopt the personal opinions of certain anti-cultists, government agents went forward with the power of the state fully on their side. Officials proceeded on the basis of their prejudiced opinion and slanted interpretations of religious doctrine and practice rather than evidence, and the anti-cultists had accomplished their mission: government and the public had been convinced that the small religious group had something to hide and was a public threat. The climate known as "moral panic" had been orchestrated. Nevertheless, rising above the public pressure to act without evidence, Judge Frank Mahady followed the U.S. Constitution, making it abundantly clear that "Upon a proper evidentiary showing of abuse, this court is not the least reticent to take immediate and effective action under the law to protect the children who are the objects of such abuse" (*In Re: C.C.*, p. 8).

Judicial autonomy such as was demonstrated by Judge Mahady has proved essential to safeguard religious freedom for Twelve Tribes' members. Research documents the fact that antireligionists made deliberate efforts to bias the functions of government against targeted Twelve Tribes' members. When judges assured that due process was followed, guaranteeing notice and a real opportunity for hearing before judgment, anti-cultists have not had evidence to back up their assertions. In marked contrast, discrimination and unfair treatment resulted where anti-cultists had achieved *ex parte* hearings with only one side present. Justice stands a greater chance of being served if agents of government become educated to the deliberate discriminatory tactics of the ACM that are calculated to promote a response of fear and hysteria toward new religious movements in general and Twelve Tribes' members in specific.

A few illustrations make the point. The search warrant authorizing the 1984 raid on the Community Church in Island Pond was issued by a judge who later admitted being influenced by anti-cultists with "bad information." Another judge reviewed the warrant, declaring it illegal and the resulting seizure of 112 children grossly unlawful and unconstitutional. In Germany, a Family Court judge elected to visit Community households himself rather than entrusting the job to social workers influenced by discriminatory material. He found the children healthy and happy. However, the cost of two *ex parte* hearings to Isaac and Michael Dawson was 5 years of separation at the hands of legal battling, substantial unwarranted jail time for the father, and unfortunate juvenile detention for the son. Eventually a new judge ruled that there had been religious discrimination and a denial of fundamental justice at the initial stages in Family Court, but harm had already been done.

The essential ingredient to fairness and justice for minority religions is that courts demand valid evidence before ruling and take care to weigh the reliability and sources of the information on which they rely. Courts and other governmental entities must make certain that they are acting with full and accurate information,

and that they are not simply furthering the agendas of those who would limit the rights of others. When such care is not exercised, egregious actions such as what happened at Island Pond can result. Judge Mahady assessed the government's actions in the raid, which included taking three photographs of each of the children without permission by the parents or the court, as well as the children being taken by authorities on the basis of a faulty warrant:

The delegation of judicial authority claimed by the State to have been made here is so broad as to violate due process rights. It provided law enforcement authorities the power to do "whatever was necessary" to identify the children. Taken literally, such presumptive delegation of authority would allow the tattooing of numbers of the arms of children for the purposes of later identification. In fact, many of the fears well expressed by Mrs. Justice O'Connor in *Kolender v. Lawson*, 461 U.S. ____1983, came home to roost in Island Pond on June 22, 1984. The photographs of the children were taken without legitimate authority. (*In Re: C.C.*, p. 6)

Judge Mahady's decision stopped such actions, at least in that traumatic episode. More judges should follow his example, and act on the autonomy vested in them in a democratic society.

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