

## Freedom of Religion, Freedom of Information, and the National Security State

Revision of paper given at  
CESNUR Conference  
San Diego, California  
August 2007

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In August 2007 my husband, Fielding McGehee, and I observed a very special anniversary. It marked the sixth year since we filed a lawsuit under the Freedom of Information Act (FOIA) to compel the Justice Department to provide an index to three CDs the FBI has prepared. The CDs contain records of the agency's investigation into the 1978 assassination of U.S. Congressman Leo J. Ryan that occurred near Jonestown, Guyana, as well as documents collected from Jonestown itself.

By way of background, it may be necessary to note that a group of 1000 disaffected Americans belonging to Peoples Temple, a congregation within the Disciples of Christ denomination, immigrated to Guyana, South America in the mid-1970s. The community of Jonestown was a reflection of the Temple's socialist values as much as it was a refuge from what its residents saw as a racist, repressive society in the U.S. In November 1978, California Congressman Ryan visited the isolated jungle community—named after its leader Jim Jones—accompanied by journalists and relatives of Peoples Temple members. On 18 November 1978, sixteen Jonestown residents asked to join Ryan and his party as they left. While they waited to board two small aircraft, a few young men who had followed the party from Jonestown began firing upon them, killing Ryan, three newsmen, and one defector. A dozen others were wounded, some quite seriously.

Back in Jonestown, more than 900 residents gathered in the central pavilion, where Jones told them what had happened and exhorted them to drink a cyanide-laced fruit punch. Although a tape recording of the incident reveals that a few residents protested, others shouted down all opposition.<sup>1</sup> Eyewitness accounts are conflicting, with some saying that people were coerced into taking poison, and others saying that people willingly drank the mixture. Whatever the circumstances, the results are well known: by the end of the day, 918 Americans in Guyana were dead: 909 in Jonestown; five on the airstrip; and four in the Temple's residence in Georgetown, the capital of Guyana.

It took a number of days for investigators to find all of the bodies, and daily news reports updating the body count gave birth to conspiracy theories about the nature of the deaths. The release of government information relating to Peoples Temple and Jonestown, therefore, could put to rest a number of these theories. Although many agencies have pieces of the story—from the State Department and the U.S. Air Force, to the Central Intelligence Agency and the Federal Communications Commission—certainly the FBI has the largest collection of relevant material of any government entity.

In 1992 the FBI released nearly 39,000 Jonestown documents to settle a FOIA lawsuit with the Church of Scientology. The release followed the agency's review of earlier classification decisions relating to the papers. The FBI generated many of these documents itself when it investigated Leo Ryan's death. When we filed a FOIA request in 1998 for a copy of all official

lists of people who died in Jonestown, the FBI said it had identified 48,738 pages in response, and would make those available to us upon receipt of \$4873.80. After some negotiation with the agency—including the intervention of Congressman Henry Waxman (D-Ca.), then the ranking Democrat on the House Government Reform and Oversight Committee, which has jurisdiction over implementation of the FOIA—the FBI agreed to make all of its documents relating to Jonestown, Peoples Temple, and Leo Ryan available on three CDs.

The good news is that anyone making a FOIA request for information about Peoples Temple and Jonestown may receive three CDs—that is, absolutely everything the FBI has released on the subject—for \$30. (The CDs are also available for \$15 from <http://jonestown.sdsu.edu>.) The bad news is that there is no index to the files, which are stored graphically as PDFs. One must search all three CDs, more than 48,000 pages, to find what one is looking for. In short, the FBI is not being truly responsive to requests for information about these subjects. And that is the basis of the lawsuit, *McGehee et al. v. U.S. Department of Justice*: to compel such an index.

There are several additional problems with the current release and presentation of information about Peoples Temple. First, and most basic, is that literally thousands of the FBI's scanned pages are illegible, and hence unusable. Second, the FBI has withheld hundreds of pages and blacked out portions of thousands more, citing FOIA exemptions on national security, privacy, and law enforcement. We have challenged the FBI's use of these exemptions, and the passage of time merely strengthens our case. In 2008 the documents will be thirty years old, well past a newly-implemented automatic declassification deadline of twenty-five years, which went into effect 31 December 2006. A third hurdle is that the FBI has shifted responsibility for releasing some items to the departments which generated the materials. For example, a teletype from the State Department sent to the Justice Department in the weeks following 18 November 1978 (and now in the FBI's possession), must be reviewed by State before Justice can release it. This requires an administrative referral which, we have learned, is often ignored unless ordered by a court (which is the only way we were able to force such a referral and to receive hundreds of pages of State Department documents via the FBI). It also raises the possibility, noted by the courts, of various agencies moving documents from one agency to another to avoid release. In any event, we have argued that the volume of newly-released materials resulting from our suit necessitates updating the CDs. A final problem, and most significant, is that in recent years the FBI has re-examined some documents, not with an eye towards declassification, but rather to classify material which was formerly available. We know this to be true because we have copies of FBI documents released in the 1980s which provide more information than those currently available on the three CDs.

What does the FBI's handling of its files about a particular religious organization have to do with the larger issue of religious freedom? Any classification and withholding of information threatens to undermine the foundations of democratic society. "Knowledge is power," wrote former CIA Director William Colby, "giving strength to one who possesses it, weakening him deprived of it."<sup>2</sup> Colby was reiterating what James Madison had said 200 years earlier: "A people who mean to be their own Governors must arm themselves with the power which knowledge gives."<sup>3</sup>

Democracy by definition requires an informed electorate so that citizens may participate responsibly in the decision-making process. That in turn requires open access to information. Everyone needs, and is entitled to, the information essential to make a variety of judgments: personal, economic, political, social. This entitlement especially pertains to government

functions. “The American view has traditionally been that the operations of government no less than other areas of life should be subjected to continuous scrutiny through the searching spotlight of publicity,” wrote Francis Rourke during the McCarthy Era of the 1950s. “The premise upon which this view rests is that nefarious activities on the part of government officials can be prevented in no other way than by fear of exposure before the bar of public opinion.”<sup>4</sup> Writing twenty years later, after the experiences of Watergate and the publication of the Pentagon Papers, Morton Halperin and Daniel Hoffman echoed Rourke: “The public’s ‘right to know’ has always been a basic tenet of American political theory. A healthy democracy requires public participation in the formulation and administration of government policy.”<sup>5</sup>

Not all secrecy is bad, of course. The secrecy in the ballot booth or the confidential deliberations of a jury are processes which benefit an open, democratic society. Dag Hammarskjöld, the United Nations General Secretary (1953-1961), believed that the most fruitful international negotiations occur behind closed doors, where diplomats can speak freely, rather than on the floor of the assembly, where national spokespersons tend to posture for political reasons.<sup>6</sup> Secrecy in a democracy, where it is openly discussed, is of a different order than in a totalitarian state, where even the existence of secrets is itself a secret.<sup>7</sup> “First-order secrecy (in a process or about a policy) requires second-order publicity (about the decision to make the process or policy secret).”<sup>8</sup> We see this occur all the time when congressional committees close certain hearings to the public and the media on national security grounds.

Certainly some religious rites are also legitimately kept secret. The early Christian community did not allow catechumens to participate in, or witness, the eucharist. Native Americans today closely guard their practices from non-native religious “tourists” who wish to appropriate traditions restricted to the duly-initiated. Esoteric knowledge, or proprietary information, is controlled by authorities at the Church of Scientology, or at Self-Realization Fellowship, and is made available only when a practitioner has reached the appropriate level of competence and understanding. Almost by definition, religions maintain secrets which are revealed at the proper times and places, to the proper persons and in the proper manner.<sup>9</sup>

Personal privacy is another area in which we benefit from secrecy. Sissela Bok defines secrecy as “intentional concealment,” while privacy is “the condition of being protected from unwanted access by others.”<sup>10</sup> The things I do in my own home are not secret, but they are private. Citizens are justifiably angered by reports of wiretapping and bank record examination without search warrants, because these are invasions of privacy. The argument that goes “why should you be bothered if you have nothing to hide” deliberately obscures the clear difference between secrecy and privacy. Just because I have no secrets does not mean that I want my private life accessed by outsiders, particularly government bureaucrats.

Despite the legitimate uses of secrecy, it still has a negative valence primarily because it is seen as the antithesis of democracy. Making information inaccessible “is a form of government regulation... a regulatory system essentially hidden from view,” the United States Commission on Protecting and Reducing Government Secrecy declared in 1997.<sup>11</sup> By controlling information, agencies can control—and by extension, dictate—policy that affects the electorate. This control inexorably accompanies the bureaucratization of society and government, according to Weber and others. “Bureaucratic administration always tends to be an administration of ‘secret sessions’: in so far as it can, it hides its knowledge and action from criticism.”<sup>12</sup>

Bureaucratic growth, and the concomitant obsession with secrecy, occurred after World War II for several reasons. For one thing, the federal government swelled under the New Deal and the

war effort. The development of nuclear weapons, as well as the creation of the Atomic Energy Commission, justified measures to prevent access to the awesome power of the atom.<sup>13</sup> A post-war burgeoning economy required greater regulation, and greater protection of trade secrets, personal financial information, and personnel administration.<sup>14</sup> Containment of communism and limiting Soviet expansion seemed to require an extraordinary degree of secrecy—both in terms of domestic surveillance and foreign espionage—under the claims of national security. “Hyperpatriotism,” as Edward Shils described it in the 1950s,<sup>15</sup> and a fear of conspiracy were the order of the day from the 1940s until the fall of communism in 1989. Thus, despite the universal acknowledgement that openness and transparency are required to sustain a democratic government, a culture of secrecy emerged in the United States during the Cold War.

The battle against Communism was fought at home and abroad, and the history of U.S. intervention in the politics of the small South American country of Guyana to ensure an anti-Communist regime is paradigmatic.<sup>16</sup> America did not want another Cuba in the Western Hemisphere, so clandestine activities financed by the CIA helped place President Forbes Burnham and the Peoples National Congress (PNC) in power in 1964, two years before Guyana’s independence in 1966. The U.S. found the PNC much more palatable than the popular, but Marxist, Peoples Progressive Party. Again working through the CIA, the U.S. helped engineer Burnham’s re-election in 1968, and in 1973 it recognized the illegally-obtained PNC parliamentary majority. In 1978—the same year as the deaths in Jonestown—the PNC government passed legislation which, in effect, made Burnham president for life. Assassinations and violence against political opponents continued until the Peoples Progressive Party finally ousted the PNC in 1992. The U.S. sided with Burnham throughout this turbulent period in Guyana’s history, and the history of CIA intervention in Guyanese politics is well known.

It seems inevitable that the Cold War obsession with communism would lead U.S. agencies to spy upon Peoples Temple. During the 1960s and 1970s, democracy appeared to be under siege by a variety of Marxist movements for national liberation. America seemed to be attacked by its own citizens within the civil rights and antiwar movements. Many activists from these movements in Northern California later found a home—or at least a sympathetic reception—in Peoples Temple, and the organization prided itself as being seen as this “enemy within.” It was involved in progressive politics in San Francisco in the 1970s, it relocated to a “cooperative socialist republic,” and it had contacts with representatives of the Soviet, Cuban, and North Korean embassies in Georgetown, Guyana. The emigration of 1000 citizens, the majority of whom were African Americans espousing radical ideas, would make the group suspect in almost any era, but especially during the Cold War. CIA documents released under FOIA make it clear that the United States was indeed monitoring activities in Jonestown.<sup>17</sup>

Peoples Temple was not the only religious group spied upon by federal agents, however. The FBI maintained extensive files on Dr. Martin Luther King Jr. and other religious leaders involved in the civil rights movement in the 1950s and 1960s, and FBI Director J. Edgar Hoover supervised a number of dirty tricks against King. During the American war in Vietnam in the 1960s and 1970s, peace groups and religious activists were targeted for penetration. The most notorious incident was the FBI infiltration of the Berrigan brothers’ plot to pour “blood”—red paint—onto draft files. An FBI agent provocateur tried to encourage the Catholic priests to blow up a building at the same time; the Berrigans demurred. During the 1980s, the FBI infiltrated the Committee in Solidarity with the People of El Salvador (CISPES), the interfaith committee that was rescuing people from El Salvador during that nation’s 12-year civil war. In that instance, an FBI informant was “instructed to break our chapter any way he could,” according to Linda

Hajek, who was working at Holy Cross Catholic Church in Dallas when she was placed under surveillance by the FBI from March 1983 to June 1985.

When weapons couldn't be found, nor anything else illegal, he said his supervisor suggested trying to get involved with me sexually. This guy was a Catholic and I was still [a nun] in my order at the time, so he balked.<sup>18</sup>

And in 1993, the Bureau of Alcohol, Tobacco, and Firearms (BATF) had an agent living with the Branch Davidians in Waco, Texas. Robert Rodriguez, who began monitoring the Branch Davidians from a house across the street from their facility, and then participated in Bible study before he was invited to live with them, reported on the activities of the Davidians, and tried to warn the BATF on 28 February 1993 that the group knew of the agency's planned attack that day.<sup>19</sup> Unfortunately, BATF refused to abort the attack, and lives were lost then, and again on April 19, fifty-one days later.

The end of the Cold War did not terminate the culture of secrecy. On the contrary, it has escalated since the al-Qaida attacks of 11 September 2001. A brief list of current secrets held in our national security state would include warrantless wiretapping by the National Security Agency; extraordinary rendition and "black sites" for torturing political prisoners; and the George W. Bush administration's plans for invading Iraq as early as 2001. Perhaps not surprisingly, the Bush administration has targeted American Muslim groups for infiltration and scrutiny. In December 2005, the FBI's secret monitoring of radiation levels at mosques around the country became public knowledge, thanks to a Freedom of Information Act release. (No radiation was reported.) In May 2006, the ACLU filed a FOIA request asking for documents relating to surveillance of mosques and individual Muslims in Southern California. According to the executive director of an Islamic group in Anaheim, "numerous Muslims reported being questioned by the FBI about their religious practices and sermons given during prayer services."<sup>20</sup>

In 2002 Attorney General John Ashcroft widened government ability to investigate religious groups when he declared worship services fair game for infiltration. The directive authorized FBI agents to pretend to be spiritual seekers in order to gain information. Updating guidelines that had been gone into effect after the Watergate scandal, Ashcroft enlarged the opportunities for surveillance, lowered the threshold for terrorist investigations, and introduced an unregulated area of "initial checking of leads," which essentially allows agents enormous freedom in their investigative authority.<sup>21</sup> The rationale behind the revised guidelines was to check up on Islamic institutions at which terrorists might be involved.

The FBI has also directed recent investigations of Christian social activists. Records obtained by the ACLU in 2005 under FOIA reveal that counterterrorism agents have spied on the Catholic Worker movement since 2001.<sup>22</sup> One document reporting on a peace protest at Vandenberg Air Force Base in California states that the Catholic Worker group claims it "advocates love and peace thru prayer... [and] advocates a communist distribution of resources."<sup>23</sup> According to another FOIA release, the FBI spied on the School of the Americas Watch (SOA Watch), a multinational faith-based group which gathers yearly at Fort Benning, Georgia, to protest the School of the Americas (SOA) and U.S. policy in Latin America. SOA trains hundreds of law enforcement and military officials from Latin America, and has a reputation for including torture techniques in its curriculum.<sup>24</sup>

It is no exaggeration to say that freedom of religion is at great risk these days. Religious groups involved in anti-war activities have become targets of monitoring by the Pentagon, the

NSA, the FBI, and the FBI's Joint Terrorism Task Force, as well as by local law enforcement. Documents released under FOIA reveal spying upon the Thomas Merton Center for Peace and Justice in Pittsburgh, Jonah House—a faith-based community dedicated to nonviolence—and the American Friends Service Committee, both in Baltimore. Although government agencies claim they are investigating terrorism, the substance of the information gathered focuses on public dissent. An FBI report on its surveillance of the Merton Center, for example, observed that the center leaflets daily, and is “a left-wing organization advocating, among many political causes, pacifism.”<sup>25</sup>

“Freedom of religion” means at least two things, according to the First Amendment of the U.S. Constitution. First, Congress shall make no law respecting an establishment of religion. In plain English, this means that the government will not finance, support or favor any one religion over another. This is in contrast to the state-sponsored or state-financed churches in Europe, or the Islamic republics which abide by shariah in secular society. Second, the First Amendment states that Congress shall make no law prohibiting the free exercise of religion. This means that people can practice the religion of their choice, and may request and obtain accommodation for their religious beliefs: for example, taking Saturday off rather than Sunday to observe the Sabbath. Neither element is absolute or unqualified, of course, so we see Christian symbols in public places in defiance of the non-establishment clause, and we see restrictions on polygamy and certain religious rituals in breach of the free-exercise clause.

Freedom of religion is profoundly connected to freedom of information. It is only by exposing government activities, and making officials accountable for their actions, that we can maintain constitutional guarantees for liberty of conscience. In other words, what we don't know *can* hurt us, and *does* hurt us because of the inhibiting effects of surveillance, bogus worshippers, and religious power politics. This seems quite evident today with the Bush administration's intimate relationship with conservative Christian leaders. To what extent are these leaders dictating policy—not just in the general sense of being advocates, but in the specific sense of being close advisors? Lack of disclosure obscures the large role that fundamentalist Christians are playing at the highest levels of government. At the very least, we know that public funds are supporting evangelical programs—and voters—under the faith-based initiatives program. This clearly violates the non-establishment clause of the constitution, as well as Article VI which prohibits any religious test for public office. At the same time, when certain religious groups are targets of infiltration and spying, the free exercise clause is violated. We thus see the establishment of a particular religious view on the one hand, and the suppression of alternative religious views on the other, in clear contravention of the two religion clauses in the First Amendment. It is only by learning about these facts through FOIA, however, that we can understand the true nature, and the true danger, of our current situation.

The Fourth of July in 2006 marked the fortieth anniversary of President Lyndon B. Johnson's signing of the Freedom of Information Act into law. The purpose of FOIA is to grant access to government records by law, “adding available information to the tools necessary to make freedom of expression work in a democratic society.”<sup>26</sup> In theory, FOIA allows any member of the public to ask any government agency for almost any government document, without having to provide reasons for wanting the information or explaining what will be done with the records. The act permits agencies to withhold documents—again, in theory—only if they fall under one of the law's nine exemptions, such as national security, protecting confidential sources, maintaining individuals' privacy, and preserving the secrecy of law enforcement methods. Congress amended FOIA in 1974 to correct problems immediately identified, such as long

delays, exorbitant charges, unreasonable requests by agencies for precise descriptions, and excessive withholding of documents. Congress has done little since then, although federal court case law has refined FOIA extensively. *McGehee v. CIA*, for example—an earlier FOIA lawsuit we filed—requires an agency to search for its records from the date on which an appeal is decided, rather than from the date of the initial request. Given the fact that years elapse between filing a request and receiving a judicial decision, *McGehee v. CIA* helps requesters enormously by including more documents in a given search.

As of this writing, *McGehee et al. v. Department of Justice* has been in court for six years. During that time, we have received hundreds of State Department documents which were in the FBI's files on Peoples Temple. Much material on these and other documents remains classified, however. With almost 50,000 pages currently available from the FBI alone, it would appear that the story of the federal government's relationship to Peoples Temple and Jonestown is complete, but this is far from the case. First, many of the documents have material excised from them. Second, there is a story that remains to be told in the thousands of pages yet to be released. No account of the government's monitoring of Jonestown before 18 November 1978, or of its investigations afterwards, will be complete without full access to them. We will ask the court to order the creation of a new set of CDs—to include newly-released items and newly-scanned items (to replace illegible ones)—in a computer-searchable format. We will also continue to appeal agency decisions to withhold various documents as we identify them.

“The secrecy system has systematically denied American historians access to the records of American history,” then-Senator Daniel Patrick Moynihan (D-NY) and chair of the bipartisan Commission on Protecting and Reducing Government Secrecy declared in 1997.<sup>27</sup> Athan Theoharis, a professor at Marquette University who has used FOIA to obtain thousands of documents relating to the Cold War and J. Edgar Hoover, surveyed more than twenty historians about their own experiences with the FBI. Most said the items they received were extremely helpful, but a few said that they could not afford lengthy appeals, and that the number of exemptions—which resulted in fragmentary records—often made the releases worthless.<sup>28</sup> Theoharis concluded that the selective and fragmentary release of documents makes it difficult to interpret what is, in effect, an incomplete record. Without context, text is meaningless.

To alleviate the problems that accompany document classification, President Clinton issued Executive Order 12958 in 1995 which created the Information Security Oversight Office. The agency's two main tasks are to set guidelines so that a minimum number of government documents are classified, and to insure that national security information is declassified in a timely manner. Toward that second goal, ISOO coordinates activities of the Public Interest Declassification Board (PIDB) which began meeting regularly in 2006 in order to facilitate the identification and declassification of records “on specific subjects that are of extraordinary public interest.” The PIDB works on declassifying records of “permanent historical value” that relate to U.S. national security policy, such as the Iran-Contra affair, prisoners of war/missing in action in Vietnam, Chile under the Pinochet regime, and Nazi war crimes.<sup>29</sup> It is possible that Jonestown documents will be included in this review once our lawsuit is settled.

The 2006 ISOO report reveals a number of discouraging trends, however.<sup>30</sup> Not surprisingly, secrecy under the Bush Administration has increased dramatically, going from 105,163 original classification decisions made in 1996 under Clinton, to a high of 351,150 decisions in 2004. That figure dropped in 2005 to 258,633, and further in 2006 to 231,995, still more than double under the previous administration. Despite some federal departments decreasing the number of original

classification decisions, the Justice Department increased its share. Similarly, the number of pages that have been declassified decreased under Bush: from 196 million declassified in 1996, to 37.6 million in 2006. The 2006 ISOO Report proclaims that 1.33 billion pages have been declassified in the period 1980 to 2006, but by far the majority of declassification actions occurred before 2001: in six years under Clinton, 864 million pages were declassified; in six years under Bush, 282.1 million pages have been declassified.

Editorials and news articles reflecting upon the fortieth anniversary of FOIA in July 2006 noted similar problems. The Coalition of Journalists for Open Government reported that the backlog of FOIA requests at 22 federal agencies rose to 31% in 2005, up from a 20% backlog in 2004.<sup>31</sup> The slow-down is attributable, in part, to Attorney General John Ashcroft's 2001 directive that encouraged agencies to deny information requested under FOIA. On the occasion of FOIA's fortieth anniversary, former President Jimmy Carter observed, "Obstructionist policies and deficient practices have ensured that many important public documents and official actions remain hidden from our view."<sup>32</sup> According to Carter, nearly 70 countries have adopted freedom of information legislation which is far more comprehensive and effective than that in the U.S. "While the United States retreats," he said, "the international trend toward transparency grows."

What is the community of religious studies scholars to do about the problem of government secrecy? This affects not only the study of Peoples Temple, but research into other incidents of religious violence as well, such as that of the Branch Davidians and more recently, the Nuwaubians, radical jihadists, and the Fundamentalist Mormons. More broadly it also affects inquiry into all government infiltration and spying on religious groups. Scholars took some preliminary steps toward increasing government transparency in 1998, on the twentieth anniversary of the deaths of Jonestown. A group of thirteen NRM scholars wrote an open letter to Congress which asked the U.S. House Committee on International Relations to release documents generated by the Committee's investigation into Leo Ryan's death. "Now, twenty years later," the scholars wrote, "the need for keeping these documents away from the public no longer exists and we, the undersigned, respectfully petition the Committee to move to make these documents accessible to the academic community, the families of the deceased, and the general public."<sup>33</sup> Three scholars—Massimo Introvigne, J. Gordon Melton, and Mary McCormick Maaga—held a press conference on 18 November 1998 to release the letter, during which Melton said, "There appears to be no compelling issues of national security or interest to keep these documents secret."

The academic call for declassification went unheeded. In the intervening years, my husband and I have contacted several members of Congress about protecting and preserving these records, even though we have not been allowed to view them. An important part of these contacts has been to maintain congressional interest so that the documents are not inadvertently lost or destroyed. Unfortunately, Congress has exempted itself from the provisions of the Freedom of Information Act, as well as from other open government legislation.

Constituent and public pressure will always be required to secure the release of Jonestown documents. We are hoping that in 2008, on the thirtieth anniversary of the Jonestown deaths, scholars, relatives, and the media will be able to gain complete access. But we have no doubt that it will require a Democratic Congress and the strong support of a ranking member of the House Government Operations Subcommittee to do so. And even then it may be a lost cause.

Scholars are not entirely without resources, however. In 1992—prompted by the Oliver Stone movie *JFK*—Congress passed the John F. Kennedy Assassination Records Collection Act, which

was “designed to strip away theories that implicated federal agencies in a conspiracy to murder the young president.”<sup>34</sup> The Act created an Assassination Records Review Board in the National Archives, and required the collection of records from various agencies, and their “expeditious” disclosure. The account of AARB’s struggle to get records from a number of different sources—including NSA and DIA—is both discouraging and encouraging: discouraging in that the agencies fought disclosure every step of the way; encouraging in that the federal government intervened and forced more disclosure than had ever occurred before. It’s one thing to dismiss a citizen; it’s another thing to disregard Congress.

While there is quite a bit of interest in Jonestown, especially among conspiracy theorists, I doubt that it matches the natural awareness of the Kennedy assassination—though it is frequently paired with that and other high profile incidents of violence. Conspiracists claim that Leo Ryan was targeted for assassination by the CIA because of his sponsorship of the Hughes-Ryan Act, which required the president to report covert actions to appropriate congressional committees before they begin. The law passed in 1974, and the very next year Congress cut off funds for covert military and paramilitary operations in Angola. According to the conspiracists, this law supposedly was sufficient reason for Ryan to be assassinated, and for 900 people to be killed to mask the murder.

Withholding files through the classification process both obscures the truth and, in the case of Jonestown, gives rise to conspiracy theories. While initially there may have been sufficient reason to classify government files—for example, to pursue an investigation into Leo Ryan’s death—by the time the documents were reclassified in the 1990s, most reasons had become moot. There seems to be no reason for ongoing classification at this point, other than inertia, or the desire to conceal damaging information about government activities.

The larger issue of freedom of information is one that should appeal to scholars across a variety of disciplines: religious studies, history, political science, sociology and psychology. There are compelling reasons for scholars in religious studies to join forces in an organized and collegial way to work with their counterparts in other disciplines in a concerted effort to make the Freedom of Information Act work. Lack of information affects everyone who is attempting to explicate the past, understand the present, and forecast the future. It impacts all citizens, but scholars—who bear responsibility for interpretation and critical analysis—even more so. No matter how important and dedicated, individual efforts to obtain official records are insufficient.

The abuse and disregard of the requirements of the Freedom of Information Act is not just about Jonestown, or Waco, or any single religious group. It is about religious freedom and about democracy at its very heart and soul. It is worth quoting Madison again: “A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both.”<sup>35</sup> We have witnessed the tragedies of Jonestown and Waco, and the near-tragedies of the Montana Freeman and the Nuwaubians. Freedom of information is just one more way to make government and government officials accountable, without which the idea of freedom of religion is indeed a farce.

## ENDNOTES

<sup>1</sup> Audiotape Q 042, U.S. Federal Bureau of Investigation, available at <http://jonestown.sdsu.edu/AboutJonestown/Tapes/Tapes/DeathTape/death.html>, accessed 14

August 2007.

<sup>2</sup> William E. Colby, "Intelligence Secrecy and Security in a Free Society," *International Security* 1, no. 2 (Autumn 1976): 3.

<sup>3</sup> James Madison, quoted in Morton H. Halperin and Daniel N. Hoffman, "Secrecy and the Right to Know," *Law and Contemporary Problems* 40, no. 3, "Presidential Power," Part 2 (Summer 1976): 165.

<sup>4</sup> Francis E. Rourke, "Secrecy in American Bureaucracy," *Political Science Quarterly* 72, no. 4 (December 1957): 542.

<sup>5</sup> Halperin and Hoffman, 132.

<sup>6</sup> Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York: Pantheon Books, 1982), 185.

<sup>7</sup> Bok, 176.

<sup>8</sup> Dennis F. Thompson, "Democratic Secrecy," *Political Science Quarterly* 114, no. 2 (Summer 1999): 185.

<sup>9</sup> A special issue of the *Journal of the American Academy of Religion*, 74, no. 2 (June 2006) has a number of relevant articles on the topic of religion and secrecy, and its distinction from privacy.

<sup>10</sup> Bok, 10.

<sup>11</sup> "Secrecy: Report of the Commission on Protecting and Reducing Government Secrecy," *PS: Political Science and Politics* 30, no. 3 (September 1997): 490.

<sup>12</sup> Max Weber, "Bureaucracy," in *Essays in Sociology*, trans. and ed. by H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 233-34; quoted in Daniel Patrick Moynihan, *Secrecy: The American Experience* (New Haven and London: Yale University Press, 1998), 143. Rourke, "Secrecy in American Bureaucracy," doubts that Weber's model can adequately be applied to the American experience, however, 544.

<sup>13</sup> Shils quotes General Leslie R. Groves, head of the Manhattan Project, as saying, "The Army as a whole didn't deal with matters of security until after the atomic bomb burst on the world because it was the first time that the Army really knew there was such a thing." Edward Shils, *The Torment of Secrecy: The Background and Consequences of American Security Policies* (Glencoe, Ill.: The Free Press, 1956), 42.

<sup>14</sup> Francis E. Rourke, *Secrecy and Publicity: Dilemmas of Democracy* (Baltimore: The Johns Hopkins Press, 1961), 32-38.

<sup>15</sup> Shils, 77-81.

<sup>16</sup> See Shiva Naipaul, *Journey to Nowhere: A New World Tragedy* (New York: Penguin Books, 1980); and Gordon K. Lewis, "Gather with the Saints at the River": *The Jonestown Guyana Holocaust* (Rio Piedras, Puerto Rico: Institute of Caribbean Studies, University of Puerto Rico, 1979).

<sup>17</sup> Rebecca Moore, "McGehee v. CIA," in *A Sympathetic History of Jonestown* (Lewiston, N.Y.: Edwin Mellen Press, 1985), 399-427; "McGehee v. CIA" is also available online at <<http://jonestown.sdsu.edu/AboutJonestown/Articles/mcgehee.htm>>, accessed 14 August 2007.

<sup>18</sup> Colman McCarthy, "The FBI: Brave Battlers Against Nuns," *The Washington Post*, 25 September 1998, F2.

<sup>19</sup> Catherine Wessinger, *How the Millennium Comes Violently: From Jonestown to Heaven's Gate* (New York and London: Seven Bridges Press, 2000), 60, 64-65.

<sup>20</sup> H. G. Reza, "On Behalf of Muslims, ACLU Seeks FBI Surveillance Data," *The Los Angeles Times*, 16 May 2006, B4.

- <sup>21</sup> For a discussion of Ashcroft's directive, see Michael Barkun, "Religion and Secrecy After September 11," *Journal of the American Academy of Religion* 74, no. 2 (June 2006): 275-301.
- <sup>22</sup> "New Documents Show FBI Targeting Environmental and Animal Rights Groups Activities as 'Domestic Terrorism,'" American Civil Liberties Union, 20 December 2005, <<http://www.aclu.org/safefree/spying/23124prs20051220.html>>, accessed 14 August 2007.
- <sup>23</sup> Email to FBI counterterrorism unit, 23 May 2001, released under the Freedom of Information Act to the ACLU, <[http://www.aclu.org/spyfiles/jttf/670\\_671.pdf](http://www.aclu.org/spyfiles/jttf/670_671.pdf)>, accessed 14 August 2007.
- <sup>24</sup> Ann Beeson, Associate Legal Director of the American Civil Liberties Union, quoted in "FBI Counterterrorism Unit Spies on Peaceful, Faith-Based Protest Group," ACLU, 4 May 2006, <<http://www.aclu.org/safefree/spying/25442prs20060504.html>>, accessed 14 August 2007.
- <sup>25</sup> Alexandra Marks, "FBI, Police Spying is Rising, Groups Allege," *The Christian Science Monitor* (23 March 2006), online at <<http://www.csmonitor.com/2006/0323/p03s03-ussc.htm>>.
- <sup>26</sup> Sam Archibald, "The Early Years of the Freedom of Information Act: 1955 to 1974," *PS: Political Science and Politics* 26, no. 4 (December 1993): 731.
- <sup>27</sup> Daniel Patrick Moynihan, quoted in Athan Theoharis, "Introduction," *A Culture of Secrecy: The Government Versus the People's Right to Know*, ed. Athan Theoharis (Lawrence, Kans.: University Press of Kansas, 1998), 13.
- <sup>28</sup> Theoharis, "The Freedom of Information Act Versus the FBI," in Athan Theoharis, *A Culture of Secrecy*, 16-36.
- <sup>29</sup> Information Security Oversight Office, "2005 Report to the President," <<http://www.archives.gov/isoo/>>.
- <sup>30</sup> Figures in this paragraph come from ISOO, "2006 Report to the President," <<http://www.archives.gov/isoo/>>.
- <sup>31</sup> Alan Johnson, "Feds less eager to share records; Study finds a slower response to requests," *The Columbus Dispatch*, 1 July 2006, A7.
- <sup>32</sup> Jimmy Carter, "America has far too many secrets," *The San Diego Union-Tribune*, 4 July 2006, B7.
- <sup>33</sup> "An Open Letter to the Committee on International Relations of the United States House of Representatives on the occasion of the 20th Anniversary of Jonestown, November 18, 1998," Center for Studies on New Religions, <[http://www.cesnur.org/testi/guyana\\_lett.htm](http://www.cesnur.org/testi/guyana_lett.htm)>, accessed 14 August 2007.
- <sup>34</sup> Anna Kasten Nelson, "The John F. Kennedy Assassination Records Review Board," in Theoharis, *A Culture of Secrecy*, 211.
- <sup>35</sup> James Madison, quoted in David O. Stewart, "On 40th birthday, Freedom of Information Act faces midlife crisis," *The Baltimore Sun*, 4 July 2006, A9.