

FROM FURRIES TO MAYHEM: THOSE MOST SUSCEPTIBLE TO POLITICAL MISINFORMATION

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ABSTRACT

Politics can make some people believe the unbelievable, but why? This Article hypothesizes that individual characteristics, when combined with environmental and circumstantial factors, can help answer this question. Drawing upon social psychology and the study of cults, this Article proposes the systematic study of individuals who were criminally charged in connection with the events of January 6th at the U.S. Capitol.

This Article explores the traits of the naïve acolyte who becomes susceptible to a movement, discusses some tall tales of the past, and covers a few noteworthy political uses of misinformation. This Article then considers Donald Trump's presidency, introducing factors suggesting members of his Make America Great Again movement unknowingly became members of his personality or cargo cult. This Article concludes with a proposal for a descriptive study of those criminally charged for comparison with previously conducted qualitative surveys of cult survivors.

I. INTRODUCTION

In today's world, some might believe students are using litter boxes in their classrooms to expel body waste because they are either identifying as animals or are trying to understand the plight of someone who does. In earlier times, we would have been asked to walk a mile in the shoes of another before casting aspersions or rendering judgment upon that person. To be clear, no one in an earlier generation was really walking a mile in another's shoes, and

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no one is piddling¹ today in a classroom unless it is a kindergartener who has had an accident.

Conservative politicians are repeating debunked rumors about litter boxes in classrooms to energize their voting base just like an earlier generation employed same-sex marriage to do the same.² The issues may change but the motivation remains the same: win the next election. When the fairytale turns from the fantastical to more plausible concerns about election integrity, the threat is to democracy itself. When the perpetrator of falsehoods is the President of the United States, and his manipulated followers display signs of rebellion, the danger is real. It is a malignancy on the republic.

“The storming of the U.S. Capitol on January 6, 2021[,] was a brazen and unprecedented attack on American Democracy that struck the country at its political heart.”³ We must understand why that occurred. More specifically, why were otherwise rational citizens so susceptible to being politically exploited in that manner?

II. SUSCEPTIBLE ACOLYTES

Susceptibility to exploitation is often linked to early familial circumstances.⁴ A family is conceptually a microcosm of a cult because “the processes by which children learn essential belief systems on which perceptions of reality are based seem to parallel conditions in which indoctrination occurs within cults.”⁵ “[I]ndividuals bereft of supportive family relations or nurturant social networks may be actually driven to seek out utopian or communal living environments ostensibly offered by cults.”⁶

¹ Informally, piddling means to urinate. *Piddle*, DICTIONARY.COM, <https://www.dictionary.com/browse/piddle> [<https://perma.cc/S3H2-PV9W>].

² See, e.g., Tyler Kingkade, Ben Goggin, Ben Collins & Brandy Zadrozny, *How an Urban Myth About Litter Boxes in Schools Became a GOP Talking Point*, NBC NEWS (Oct. 14, 2022, 8:30 AM), <https://www.nbcnews.com/tech/misinformation/urban-myth-litter-boxes-schools-became-gop-talking-point-rcna51439> [<https://perma.cc/4GGU-P9DB>]; Gregory B. Lewis, *Same-Sex Marriage and the 2004 Presidential Election*, 38 PS: POL. SCI. & POL. 195, 195 (2005).

³ S. Alexander Haslam, Stephen D. Reicher, Hema Preya Selvanathan, Amber M. Gaffney, Niklas K. Steffens, Dominic Packer, Jay J. Van Bavel, Evangelos Ntontis, Fergus Neville, Sara Vestergren, Klara Jurstakova & Michael J. Platow, *Examining the Role of Donald Trump and His Supporters in the 2021 Assault on the U.S. Capitol: A Dual-Agency Model of Identity Leadership and Engaged Followership*, 34 LEADERSHIP Q., art. no. 101622, June 2023, at 1.

⁴ See John M. Curtis & Mimi J. Curtis, *Factors Related to Susceptibility and Recruitment by Cults*, 73 PSYCH. REP. 451, 453–54 (1993).

⁵ *Id.* at 451–52.

⁶ *Id.* at 452 (citation omitted).

“Theories regarding cult[s] . . . have evolved and developed over the past few decades”⁷ However, broadly speaking, susceptibility to indoctrination by a cult can be broken into nine factors.⁸

First, people are susceptible to indoctrination if they suffer from a weak ego or are emotionally vulnerable.⁹ The structure and belief system of a cult may appeal to someone feeling fear, anger, or guilt.¹⁰ They are often burdened with a high prevalence of psychiatric and addictive disorders before joining, including anxiety and depression.¹¹

Second, a propensity toward dissociation suspends the rational judgment needed to fend off misleading and deceptive promises of a cult’s benefits.¹²

Third, a lack of familial or other social support favors susceptibility.¹³ Cult initiates are socially and affectively vulnerable because of their precarious, problematic family relations.¹⁴ The cult becomes a surrogate family providing protection while simultaneously mitigating “the abysmal feelings of abandonment and rejection” in the emotionally orphaned.¹⁵ They are often dissatisfied with life, seek personal development, or are on a spiritual quest.¹⁶

Fourth, the inability to deal with exigencies effectively is problematic for people in need.¹⁷ “When unemployment, incomplete education, inadequate training, and a general lack of preparedness to meet the demands of survival impact individuals, they seem to be more susceptible to the temptations offered by cults.”¹⁸ Cults offer shortcuts for their survival.¹⁹

Fifth, severe abuse and neglect during childhood play an oversized role in determining someone’s susceptibility.²⁰ Abuse and neglect

⁷ M. Rousselet, O. Duretete, J.B. Hardouin & M. Grall-Bronnec, *Cult Membership: What Factors Contribute to Joining or Leaving?*, 257 PSYCHIATRY RSCH. 27, 27 (2017).

⁸ See Curtis & Curtis, *supra* note 4, at 452–57.

⁹ *Id.* at 452; see also Carmen Almendros, José A. Carrobes & Álvaro Rodríguez-Carballeira, *Former Members’ Perceptions of Cult Involvement*, 6 CULTIC STUD. REV. 1, 3 (2007).

¹⁰ Curtis & Curtis, *supra* note 5, at 453.

¹¹ See Rousselet et al., *supra* note 7, at 30; see also Almendros et al., *supra* note 9, at 2–3.

¹² Curtis & Curtis, *supra* note 5, at 453.

¹³ *Id.*

¹⁴ See Rousselet et al., *supra* note 7, at 30; see also Almendros et al., *supra* note 9, at 3.

¹⁵ Curtis & Curtis, *supra* note 5, at 454.

¹⁶ Rousselet et al., *supra* note 7, at 29; Almendros, *supra* note 9, at 8–9.

¹⁷ Curtis & Curtis, *supra* note 5, at 454.

¹⁸ *Id.* (citation omitted).

¹⁹ *Id.*

²⁰ *Id.*

decimate self-esteem, create abysmal neediness, and weaken defenses against the structural allure of cults.²¹ Abused members cannot extricate themselves because their inordinate sacrifices and painful initiation rituals permanently bond them to their perpetrators just like their childhood families.²²

Sixth, “[t]he more aberrant, bizarre, and out-of-the-mainstream family patterns become,” and “the more insulated families are from outside [normative] influences,” the more susceptible the family members are to cults, as families with those characteristics resemble cults themselves.²³ Well-intentioned attempts to protect ethnic identities in recently emigrated groups can lead to unintended isolation.²⁴

Seventh, “the excessive use of alcohol or drugs seems to expand the risk of susceptibility to cults.”²⁵ These substances lead to “diminished internal control[],” “ill-advised and erratic behavior,” and “self-defeating and self-destructive” behavior, including “passive conformity.”²⁶ Similar to psychiatric comorbidity, addictive disorders are prevalent.²⁷

Eighth, those suffering from inordinate situational stress and crises, coupled with an absence of major support systems, are particularly vulnerable to a cult’s seduction.²⁸

Ninth, intolerable, adverse socioeconomic conditions lead to greater susceptibility.²⁹ These conditions include “widespread unemployment, diminished educational and training opportunities, and the disintegration of the nuclear family.”³⁰

When joining a cult, most people “think they are joining a good group, a moral group, a healthy group.”³¹ Although manipulation is the most important factor influencing their decision to join,³² they often have experienced a significant, stressful event in the year before making that fateful leap.³³ The final push to abandon rational thought and believe the unbelievable is a panic-filled perceived crisis.

²¹ *Id.* at 455.

²² *See id.*

²³ *See id.*

²⁴ *Id.*

²⁵ *Id.* at 456.

²⁶ *Id.*

²⁷ Rousselet et al., *supra* note 7, at 30–31.

²⁸ Curtis & Curtis, *supra* note 4, at 456.

²⁹ *Id.* at 457.

³⁰ *Id.*

³¹ Almendros et al., *supra* note 9, at 16.

³² *Id.*

³³ *Id.* at 3.

III. PANIC OVER PAST TALL TALES

Thankfully, widespread panics are rare.³⁴ Most panics are localized, limited spatially to a single sinking ship or burning building.³⁵ The satanic panic of the 1980s is one example. “[A] frenzy of accusations of ritual child abuse that resulted in the conviction of dozens of innocent people[] was driven in part by deep anxiety over working women and day care.”³⁶ The same is true about classroom litter boxes. Parents are uncomfortable with the thought of their children’s sexual mores becoming different than their own.³⁷ When those fears turn to panic, parents will believe the unbelievable: litter boxes in the classroom.

Panic is a meaningful force that cannot be easily studied. With respect to real events, “systematic studies of panic are uncommon.”³⁸ More to the point, a purely fictional catastrophic event causing a widespread panic cannot be studied because one cannot ethically yell the equivalent of fire in a crowded building to see how the crowd reacts. Occasionally, however, someone does that without fully understanding the dire consequences.

In 1926, Father Ronald Knox, a mischievous Catholic cleric and crime novelist,³⁹ had an active imagination and the megaphone of a British Broadcasting Company radio show.⁴⁰ By “a comedy of errors,” Father Knox’s listeners “heard . . . a revolution had broken out in London” on one show.⁴¹ “[I]n a series of progressively dramatic announcements, complete with sound effects, [Father Knox] reported that the [British] transport minister had been hanged from a lamppost, the Savoy Hotel destroyed and Big Ben blown up.”⁴² But it

³⁴ HADLEY CANTRIL, *THE INVASION FROM MARS: A STUDY IN THE PSYCHOLOGY OF PANIC* xi (Princeton Univ. Press 1982) (1940).

³⁵ *Id.*

³⁶ Michelle Goldberg, *Why Are Seemingly Functional Adults Falling for the ‘Furrries’ Myth?*, N.Y. TIMES (Apr. 4, 2022), <https://www.nytimes.com/2022/04/04/opinion/furrries-culture-war.html> [perma.cc/L7S9-PBAC].

³⁷ *See id.*

³⁸ Norris R. Johnson, *Panic at “The Who Concert Stampede”: An Empirical Assessment*, 34 SOC. PROBLEMS 362, 363 (1987).

³⁹ Raymond Snoddy, *Show That Sparked a Riot*, BBC NEWS (June 13, 2005), http://news.bbc.co.uk/newswatch/ukfs/hi/newsid_4080000/newsid_4081000/4081060.stm [https://perma.cc/RK5Z-EMWN].

⁴⁰ *Britain Is Alarmed by Burlesque Radio ‘News’ of Revolt in London and Bombing of Commons*, N.Y. TIMES, Jan. 18, 1926, at 3, <https://www.nytimes.com/1926/01/18/archives/britain-is-alarmed-by-burlesque-radio-news-of-revolt-in-london-and.html> [perma.cc/R74Q-4V8L] [hereinafter *Britain Is Alarmed*].

⁴¹ *Id.*

⁴² Snoddy, *supra* note 39; *see also* CANTRIL, *supra* note 34, at xi.

was all untrue.⁴³ Father Knox was broadcasting his “burlesque^[44] ‘news items’ and . . . many in the radio audience had failed to tune in soon enough to hear a preliminary announcement warning that the stories should not be taken seriously.”⁴⁵ Although peppered with humor, the broadcast was taken seriously by some listeners.⁴⁶ “Women fainted, mayors dusted off their emergency plans and one angry listener called the Admiralty and demanded that the Navy be dispatched up the Thames to quell the riot.”⁴⁷ Twelve years later, in 1938, “Orson Welles terrified America with his *War of the Worlds* broadcast.”⁴⁸ The structure of Welles’s *War of the Worlds* was almost the same as Father Knox’s broadcast.⁴⁹

“On Hallowe’en night 1938, Orson Welles and his Mercury Theatre on the Air dramatized H. G. Wells’ fantasy, *War of the Worlds* so realistically and effectively that at least a million Americans became frightened and thousands were panic-stricken.”⁵⁰ “For a few horrible hours people from Maine to California thought that hideous monsters armed with death rays were destroying all armed resistance sent against them; that there was simply no escape from disaster; [and] that the end of the world was near.”⁵¹ Along with announcements throughout the broadcast, Orson Welles proclaimed at its end: “You will be relieved, I hope, to learn that we didn’t mean it That grinning, glowing, globular invader of your living-room is an inhabitant of the pumpkin patch, and if your doorbell rings and nobody’s there, that was no Martian . . . it’s Hallowe’en.”⁵²

Thankfully, Professor Hadley Cantril, a Princeton University psychologist, thought quickly enough to study the broadcast’s effects.⁵³ His study “was launched immediately after the broadcast and gives an account of people’s reactions, indicating what appear to be the major psychological reasons for the mass behavior involved.”⁵⁴ Cantril viewed his study as both scientific and didactic.⁵⁵ If people

⁴³ Snoddy, *supra* note 39.

⁴⁴ Burlesque is “a literary or dramatic work that seeks to ridicule by means of grotesque exaggeration or comic imitation.” *Burlesque*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/burlesque> [perma.cc/KK32-2E2B].

⁴⁵ *Britain Is Alarmed*, *supra* note 40.

⁴⁶ *Id.*

⁴⁷ Snoddy, *supra* note 39.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ CANTRIL, *supra* note 34, at vi.

⁵¹ *Id.* at 3.

⁵² *Id.* at 42–43 (second alteration in original).

⁵³ *See id.* at vi.

⁵⁴ *Id.*

⁵⁵ *Id.* at ix.

could understand why some reacted unintelligently to the broadcast, perhaps they could build a resistance to stressful events and make better judgments in the future.⁵⁶

In 1938, radio was thought to be the best medium “for informing all segments of a population of current happenings.”⁵⁷ At that time, more people had radios than had “telephones, automobiles, plumbing, electricity, newspapers or magazines.”⁵⁸ The radio audience was “the most modern type of social group.”⁵⁹ By 1966, television had become the neutralizing medium that theoretically could avoid the panic caused by the radio broadcast.⁶⁰

During and immediately after the broadcast, telephone use soared.⁶¹ Mail inquiries to broadcasters also increased.⁶² People clearly reacted. Although Professor Cantril’s study was imperfect, suffering from limited funding and a small sample size,⁶³ it nevertheless captured the import of the moment.

What led to the broadcast being believed? First, radio broadcasts were frequently interrupted for important announcements, radio was viewed as an accepted vehicle for such communications, and radio was considered a reliable source of information.⁶⁴ Second, the radio presenters had prestige, were experts, and had an institutional role and status.⁶⁵ Third, the listeners were familiar with the places fictionally attacked; those places were in their community.⁶⁶ Fourth, the announcements were unusual but still within the realm of possibility.⁶⁷ Fifth, the listeners were affected by their social interactions during an ordinary day.⁶⁸ Sixth, those tuning in late were more frightened because they did not hear the previous announcements that the broadcast was a work of fiction.⁶⁹

Who did not believe the broadcast? Educated people were more likely than the uneducated to use internal evidence (i.e., information communicated during the broadcast) to conclude the broadcast was a

⁵⁶ *Id.* at x.

⁵⁷ *Id.* at xii.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at vii.

⁶¹ *Id.* at 60.

⁶² *Id.* at 60–61.

⁶³ *Id.* at xiii–xiv.

⁶⁴ *Id.* at 68–69.

⁶⁵ *Id.* at 70–71.

⁶⁶ *Id.* at 72.

⁶⁷ *Id.* at 73.

⁶⁸ *Id.* at 74.

⁶⁹ *Id.* at 76–77.

play.⁷⁰ The educated also “veriff[ie]d] the program against information which would itself be less likely to be colored by the suggestion that Martians were rampant in the East.”⁷¹ For example, they looked outside, changed the radio dial, or called an official.⁷² On the other hand, the uneducated relied more heavily on their friends for verification.⁷³ “Not all educated persons remained calm or made successful checks, while some uneducated persons soon recognized the broadcast as a play. Formal education, then, is not an unfailing index of critical [thinking] ability.”⁷⁴ But the “deviate cases still point to the fact that critical [thinking] ability was the most important factor enabling people to react appropriately.”⁷⁵

Among the educated who believed the broadcast, why were they susceptible to misinformation? The personality characteristic making “people vulnerable to the broadcast was what we might call susceptibility-to-suggestion-when-facing-a-dangerous-situation.”⁷⁶ These people suffer from insecurities, phobias, and worry.⁷⁷ They lack self-confidence, are fatalistic, and often put their trust in God.⁷⁸ Each of these factors “implies a certain feeling of personal inadequacy.”⁷⁹ “The net result is that the individual will be highly susceptible to suggestion when [they are] face-to-face with a situation that taxes [their] own meager self-reliance.”⁸⁰ “Whatever critical [thinking] ability a person may normally have, it is ineffective if in any given situation [their] emotional insecurities are so great that they overwhelm [their] good judgment.”⁸¹

What environmental factors influenced susceptibility to believing the broadcast? Fear is contagious. “Sometimes the sight and sound of other people who [are] frightened might increase the emotional tension of an otherwise relatively calm individual and thus reduce [their] critical [thinking] ability.”⁸² “Another influence that might [vary] the nature of the listening situation [is] *the listener’s status in a group*.”⁸³ A submissive group member is more easily influenced

⁷⁰ *Id.* at 116.

⁷¹ *Id.* at 117.

⁷² *Id.* at 118 tbl.8.

⁷³ *Id.*

⁷⁴ *Id.* at 119.

⁷⁵ *Id.* at 121.

⁷⁶ *Id.* at 130.

⁷⁷ *Id.* at 131–33.

⁷⁸ *Id.* at 133–35.

⁷⁹ *Id.* at 138.

⁸⁰ *Id.*

⁸¹ *Id.* at 139.

⁸² *Id.* at 142.

⁸³ *Id.* at 143.

than a dominant character.⁸⁴ Prompting a person to tune into the broadcast might affect their critical thinking ability, and being in an unfamiliar group setting may do the same.⁸⁵ Neither is particularly good for independent, critical thinking. “Young people, women,^[86] and uneducated people were less apt to take the initiative in checking the program themselves.”⁸⁷ In summary,

Critical [thinking] ability alone is not a sure preventive of panic. It may be overpowered either by an individual’s own susceptible personality or by emotions generated in [them] by an unusual listening situation. If critical [thinking] ability is to be consistently exercised, it must be possessed by a person who is invulnerable in a crisis situation and who is impervious to extraneous circumstances.⁸⁸

Did the historical context affect the broadcast’s believability? “[J]udgments of any group of people are deeply rooted in the culture that surrounds them.”⁸⁹

When a culture is highly stable and in a state of complete equilibrium, it means that the frames of reference of the individuals constituting the culture are in complete conformity with the norms of that culture. It means, furthermore, that the frames of reference of individuals are, for them, completely adequate pathways in an environment that is satisfying their needs.⁹⁰

After the Great Depression, political, economic, and peaceful stability were elusive for many.⁹¹ Insecurity was the norm for those on the lower rungs of society.⁹² The disparity between the aspirations and achievements of the rich and poor was stark.⁹³ If you were poor, you were more likely to believe the broadcast was news instead of entertainment, irrespective of your education level.⁹⁴

⁸⁴ *See id.*

⁸⁵ *See id.* at 144, 145 tbls.11 & 12.

⁸⁶ 29% of women had someone else check for veracity, whereas 13% of men relied upon someone else. *Id.* at 148 tbl.13. No data was apparently collected regarding the gender of the other person consulted and what role sexism played at the time.

⁸⁷ *Id.* at 148 (citation omitted).

⁸⁸ *Id.* at 149.

⁸⁹ *Id.* at 153.

⁹⁰ *Id.*

⁹¹ *See id.* at 154–55.

⁹² *See id.* at 155 & n.2.

⁹³ *See id.* at 156.

⁹⁴ *Id.* at 157 & tbl.14.

Fears of international conflict, revolutions, or foreign attacks were also on the minds of broadcast listeners.⁹⁵ Those frightened were “apparently more concerned about war.”⁹⁶ “The instability of the former peace-time norms and the fear that these would be upset in favor of new norms that were personally dangerous and unwanted was clearly reflected in [Professor Cantril’s study].”⁹⁷

After summarizing the collective data, Professor Cantril presented six sample stories of “two well[-]educated people, two economically insecure people, and two religious people. In each pair, one person was frightened, one person was not.”⁹⁸

Mr. Robbins—*well-educated and frightened*—was driving home with a friend and heard the Secretary of the Interior on the broadcast.⁹⁹ He was probably susceptible to the prestige of the secretary’s office and lacked the ability to think independently despite his formal education.¹⁰⁰ Dr. Hamilton—*well-educated and not frightened*—was a physician.¹⁰¹ He was not religious, was economically prosperous, and was optimistic about the future.¹⁰² Free of sentimentality and ambitious, he was particularly analytical.¹⁰³

It is clear from these two case studies that “education” alone is no sure insulation from panic. The personalities of Robbins and Dr. Hamilton [were] very different. Each ha[d] used formal training for different purposes. For Robbins, knowledge produce[d] a passive concern with events; for Hamilton, it [was] a tool which he use[d] to obtain the adjustment he want[ed]. For Robbins, life [was] a matter of carrying on a tradition which he believe[d] [wa]s now seriously threatened; for Hamilton, it [was] something he fe[lt] he ha[d] mastered and to which he look[ed] forward with confidence.¹⁰⁴

Mr. Lewis—*economically insecure and frightened*—worked but still lived with his mother when a friend called him into the room to listen to the attack.¹⁰⁵ He read four newspapers daily but was caught up in the “hysteria” of the moment because the fictional events were

⁹⁵ See *id.* at 159–60.

⁹⁶ *Id.* at 160.

⁹⁷ *Id.*

⁹⁸ *Id.* at 167.

⁹⁹ *Id.* at 168.

¹⁰⁰ *Id.* at 169–70.

¹⁰¹ *Id.* at 170.

¹⁰² See *id.* at 171.

¹⁰³ See *id.* at 172.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 172–73.

happening so close to home.¹⁰⁶ “He . . . followed the [then current] Czechoslovakian crisis closely, ‘always waiting to hear the worst.’”¹⁰⁷ “[H]is personal life point[ed] to great insecurity. This insecurity [was] partly economic, inasmuch as his mother [was] dependent on him. But, on a deeper level it [was] an insecurity concerning himself and his ability to do the kind of work he would [have] like[d] to do.”¹⁰⁸ “He admit[ted] that ‘life often seem[ed] futile.’ This ‘temporary catastrophe’ would free him from his present responsibilities to himself and to others.”¹⁰⁹

Mr. Chandler—*economically insecure and not frightened*—was unemployed, married, without children, and an occasional churchgoer.¹¹⁰ He was quickly skeptical of the broadcast when “the reporter said he and a professor had travelled eleven miles in ten minutes[, which] seemed impossible.”¹¹¹ “[D]espite the fright of his co-listeners, he was doubtful almost immediately.”¹¹² He quickly checked other sources.¹¹³ He read often, paid attention to the news, thought independently, and was afraid of nothing.¹¹⁴

The cases of Mr. Lewis and Mr. Chandler are in striking contrast.

Chandler fe[lt] self-sufficient and psychologically secure—given a job, no depression, and no war he th[ought] he could adjust himself satisfactorily. Lewis, on the other hand, want[ed] . . . a guarantee that there w[ould] be no impacts from the outside. This difference is the more interesting [because] . . . Lewis . . . ha[d] a job. Because Lewis [was] psychologically insecure he [was] terrified by the broadcast which mean[t] that he [could] never be a success; because Chandler [was] at ease with himself and his conditions, he [took] the broadcast realistically.¹¹⁵

Ms. Dean—*religious and frightened*—was unmarried and lived with her sister in a small town.¹¹⁶ She attended church regularly and had a modest, secure income, but was not formally educated beyond grammar school.¹¹⁷ She believed the broadcast because she “knew

¹⁰⁶ *Id.* at 173.

¹⁰⁷ *Id.* at 174.

¹⁰⁸ *Id.* at 175.

¹⁰⁹ *Id.* at 176.

¹¹⁰ *Id.*

¹¹¹ *Id.* at 177.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *See id.* at 178.

¹¹⁵ *Id.* at 179.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

that the forces of God were overpowering us, and was sure ‘we were given punishment at last for all our evil ways.’”¹¹⁸

Miss Dean’s mental world [was] a narrow one whose boundaries seem[ed] largely determined by religious dogmas and from which external events in the real world [were] deliberately excluded. She pride[d] herself on not reading much in the local newspaper except the church news. She [did] not read any magazines because she [did] not want to “waste her time reading trash.” On the radio she listen[ed] mainly to hymns. When asked what developments in any field she considered most useful she refused the whole idea of progress by saying “none will really help us.” She [was] completely ignorant of scientific or other achievements and furthermore refuse[d] even to believe they [were] possible.¹¹⁹

Mrs. Walters—*religious and not frightened*—was married with grown children and attended church services frequently.¹²⁰ “She did not think for a moment that [the broadcast] was anything but a play.”¹²¹ It reminded her of a popular science fiction serial.¹²² “Invaders d[id] not fit anywhere into the world of this American housewife.”¹²³

[These women’s faiths were] an index—and a clear one—to the different adjustments they ha[d] made within their environments. Miss Dean [was] frustrated, without a family of her own, without any intellectual or social interest. The fact that she ha[d] a secure income seem[ed] to add to her isolation [because] she [was] not forced to make any contact with the world to earn her living. She play[ed] no rôle in the world and [was] quite willing to be separate from it. Mrs. Walters’s life, on the other hand, [was] firmly rooted in the people and events around her. . . . Miss Dean’s religious frame of reference [was] consistently extended to include the invasion, [although] Mrs. Walters’s religion deal[t] only with this life . . . , rather than the Bible, provid[ing] her standard of judgment for the broadcast.¹²⁴

¹¹⁸ *Id.* at 180.

¹¹⁹ *Id.* at 180–81.

¹²⁰ *Id.* at 182.

¹²¹ *Id.*

¹²² *See id.*

¹²³ *Id.* at 183.

¹²⁴ *Id.* at 184–85.

Professor Cantril freely acknowledged the study’s anticipated criticism from strict behaviorists as well as psychoanalysts.¹²⁵ In the end, he concluded “a lack of critical [thinking] ability seemed particularly conducive to fear in a large proportion of the population.”¹²⁶ Without that ability, a person would automatically find meaning in response to anomalous stimuli and might blindly believe a fake broadcast.¹²⁷ “[R]eactionary citizen[s] will believe almost any rumor [they] hear[] that casts aspersions at political liberals; the communist will believe nearly all stories regarding progress in the Soviet Union; ideas or occurrences which contradict a rigidly established standard of judgment will be discarded, or overlooked.”¹²⁸ A common refrain from the devout erroneously attributed the fake attack to God’s will.¹²⁹ If alive today, Professor Cantril could have probably predicted who would believe schools had installed litter boxes in classrooms.

IV. ALONG CAME THE FURRIES, A POLITICAL FAIRY TALE

In Iowa during late 2021, rumors abounded that students were meowing and wearing collars in schools because they identified as cats, calling themselves furrries.¹³⁰ “Furrries are a subculture of people who craft alter-egos as anthropomorphized animals.”¹³¹ They “often create their own alternative animal personality known as a ‘fursona,’ according to the International Anthropomorphic Research Project, also known as Furscience, a group of interdisciplinary professors who have studied over 40,000 furrries.”¹³² “People in the fandom often wear costumes and interact with their community online or at

¹²⁵ See *id.* at 189.

¹²⁶ *Id.*

¹²⁷ *Id.* at 191.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Jacob Hall, *FUR-REAL: Iowa Students, Parents Report Kids Wearing Collars, Barking, Hissing as ‘Furrries’*, IOWA STANDARD (Sept. 20, 2021), <https://theiowastandard.com/fur-real-iowa-students-parents-report-kids-wearing-collars-barking-hissing-as-furrries/> [<https://perma.cc/6FFG-GFRW>]; Jaclyn Peiser, *GOP Legislator Backtracks on Claims Students Meow, Bark, Use Litter Boxes*, WASH. POST (Mar. 29, 2022, 6:40 AM), <https://www.washingtonpost.com/nation/2022/03/29/furries-litter-box-nebraska-bostelman/> [<https://perma.cc/MJ2M-UZAR>].

¹³¹ Kelly Weill, *Furry Panic Is the Latest Dumb GOP Attack on Public Schools*, DAILY BEAST (Feb. 1, 2022, 5:05 AM), <https://www.thedailybeast.com/furry-panic-is-the-latest-dumb-gop-attack-on-public-schools> [<https://perma.cc/BH6V-C3J6>].

¹³² Reuters Fact Check, *No Evidence of Schools Accommodating ‘Furrries’ with Litter Boxes*, REUTERS (Oct. 18, 2022, 12:48 PM), <https://www.reuters.com/article/factcheck-furries-rogan-litterbox/fact-check-no-evidence-of-schools-accommodating-furries-with-litter-boxes-idUSL1N31J1KT> [<https://perma.cc/UBV7-JVH9>].

conventions.”¹³³ Starting in Canada¹³⁴ and spreading to other continents,¹³⁵ the rumors were designed “to make the queer community seem ridiculous” and “paint all of the community’s concerns as absurd.”¹³⁶ However, to state the obvious, “[a] cat is not a sexual orientation or a gender.”¹³⁷

When the 2022 election came along, the “right-wing [decided] to pit red state voters against minorities. Transphobia spiked up and furies were like stand-ins for the weird, gay boogeyman of tolerance.”¹³⁸ “What’s most provocative about this hoax is how it turns on two key wedge issues for conservatives: educational accommodations and gender nonconformity.”¹³⁹ “At least 20 conservative candidates and elected officials . . . claimed [in 2022] that K-12 schools [were] placing litter boxes on campus or making other accommodations for students who identif[ied] as cats.”¹⁴⁰ The rumor had sprung to life from coast-to-coast and everywhere in

¹³³ Peiser, *supra* note 130.

¹³⁴ See *DDSB Among Boards Quashing Online Rumours Litter Boxes Have Been Added to Washrooms*, DURHAM RADIO NEWS (Oct. 4, 2022, 11:25 AM), <https://www.durhamradionews.com/archives/160141> [<https://perma.cc/9U8R-5DLD>]; Shane Ross, *Rumours About Students Identifying as Cats Are Rooted in Hate, Says P.E.I. Public Schools Branch*, CBC NEWS (Oct. 20, 2021), <https://www.cbc.ca/news/canada/prince-edward-island/pei-psb-statement-cats-students-1.6218628> [<https://perma.cc/9CGG-9S9Z>].

¹³⁵ See *School Installs Litter Boxes and Promises More Cat-Friendly Policies After Increase in ‘Feline-Identifying’ Students*, DAMASCUS DROPBEAR (Aug. 22, 2022), <https://damascusdropbear.com.au/school-installs-litter-boxes-and-promises-more-cat-friendly-policies-after-increase-in-feline-identifying-students/> [<https://perma.cc/EF9J-LRWQ>] (attempted satire); Gianni Marini, *Claims Pupils Identifying as Cats at School Branded ‘False Rumours’*, STV NEWS (Jan. 27, 2023), <https://news.stv.tv/north/claims-banff-academy-pupils-are-identifying-as-cats-branded-false-rumours-by-aberdeenshire-council> [<https://perma.cc/G4QR-QMZZ>].

¹³⁶ Logan MacLean, *False Stories of Litter Boxes in P.E.I. Schools Meant to Ridicule Trans Community, Advocates Say*, SALTWIRE (Oct. 24, 2021, 3:10 PM), <https://www.saltwire.com/atlantic-canada/news/false-stories-of-litter-boxes-in-pei-schools-meant-to-ridicule-trans-community-advocates-say-100649025/> [<https://perma.cc/X5U5-P4WQ>].

¹³⁷ *Id.*

¹³⁸ Patch O’Furr, *Furries Warn Each Other About Casting Call for “Life as a Furry” TV Show*, DOGPATCH PRESS (Feb. 2, 2023), <https://dogpatch.press/2023/02/02/furries-warn-tv-show/> [<https://perma.cc/F94A-56ME>].

¹³⁹ Kingkade et al., *supra* note 2 (quoting Joan Donovan, research director of the Shorenstein Center on Media, Politics and Public Policy at Harvard University).

¹⁴⁰ *Id.*

between, including California,¹⁴¹ Colorado,¹⁴² Florida,¹⁴³ Georgia,¹⁴⁴ Indiana,¹⁴⁵ Iowa,¹⁴⁶ Kansas,¹⁴⁷ Kentucky,¹⁴⁸ Maine,¹⁴⁹ Michigan,¹⁵⁰

¹⁴¹ See Mackenzie Shuman, *Fact Check: Do SLO County Schools Have Litter Boxes for Students Identifying as 'Furries'?*, TRIBUNE (Nov. 1, 2022, 6:49 PM), <https://www.sanluisobispo.com/news/local/education/article268151602.html> [https://perma.cc/A7PY-5WQL].

¹⁴² See Heidi Beedle, *Ganahl Falsely Claims That Kids Are 'Identifying as Cats . . . All Over Colorado & Schools Are Tolerating It'*, COLO. TIMES RECORDER (Sept. 26, 2022), <https://coloradotimesrecorder.com/2022/09/ganahl-falsely-claims-that-kids-are-identifying-as-cats-all-over-colorado-schools-are-tolerating-it/49051/> [https://perma.cc/X3R8-HNEX].

¹⁴³ See Finch Walker, *Brevard School Board Likely to Ban Furry Attire in Updated Dress Code*, FLORIDA TODAY (May 11, 2023, 6:46 PM), <https://www.floridatoday.com/story/news/2023/05/11/furries-wont-fly-with-brevard-school-board-as-dress-code-is-debated/70201711007/> [https://perma.cc/3BWZ-HVJ4].

¹⁴⁴ Peter Wade, *Litter Boxes and Election Lies: Marjorie Taylor Greene's Unhinged Trip to the Trump Rally*, ROLLING STONE (Sept. 3, 2022), <https://www.rollingstone.com/politics/politics-news/marjorie-taylor-greene-trump-pennsylvania-litter-boxes-1234586647/> [https://perma.cc/KDL5-MR73].

¹⁴⁵ Brett Stover, *Rep. Bob Morris Cites 'Litter Box' Myth in School Board Endorsement*, J. GAZETTE (Nov. 3, 2022), https://www.journalgazette.net/local/indiana/statehouse/rep-bob-morris-cites-litter-box-myth-in-school-board-endorsement/article_a5c339ca-5b02-11ed-ba2b-e3f98fe50db1.html [https://perma.cc/8XQ7-6PM5]; Sophia Tulp, *Post About Indiana School's 'Otherkin' Policy is Satirical*, AP NEWS (Apr. 29, 2022, 1:23 PM), <https://apnews.com/article/Fact-Check-Fake-Indiana-School-Email-109748870442> [https://perma.cc/E3HU-7T5E]; see Mark Wilson, *Superintendent: No, EVSC Doesn't Provide Litter Boxes for Students Who Identify as Cats*, COURIER & PRESS (Sept. 26, 2022), <https://www.courierpress.com/story/news/local/2022/09/20/evsc-addresses-rumors-of-furries-and-litter-boxes-in-local-schools/69506009007/> [https://perma.cc/Q79Y-YVZU]; Spencer Durham, *Fake Post About Litter Boxes at KHS Goes Viral*, KOKOMO TRIBUNE (Apr. 29, 2022), https://www.kokomotribune.com/news/school_news/fake-post-about-litter-boxes-at-khs-goes-viral/article_c4ef1e90-c7f5-11ec-b3d6-efb04e5e684c.html [https://perma.cc/DU5T-PZZ7].

¹⁴⁶ Hall, *supra* note 130; Jared Strong, *Carroll Superintendent: No Litter Boxes in Schools*, IOWA CAP. DISPATCH (Feb. 9, 2022, 1:10 PM), <https://iowacapitaldispatch.com/2022/02/09/carroll-superintendent-no-litter-boxes-in-schools/> [https://perma.cc/2YSH-4JG6]; Todd Magel, *Superintendent Denies Rumors of Litter Boxes in Restrooms for Students Who 'Identify as Cats'*, KCRG (Feb. 11, 2022, 4:39 PM EST), <https://www.kcrg.com/2022/02/11/superintendent-denies-rumors-litter-boxes-restrooms-students-who-identify-cats/> [https://perma.cc/8WUE-GKYT].

¹⁴⁷ Rachel Mipro, *Educators Say Attacking Kansas Teachers is GOP Strategy to Push Private Schools*, KAN. REFLECTOR (Feb. 5, 2023, 9:50 AM), <https://kansasreflector.com/2023/02/05/educators-say-attacking-kansas-teachers-is-gop-strategy-to-push-private-schools/> [https://perma.cc/J3BK-7B3K].

¹⁴⁸ Aaron Chatman, *"Litterbox" Rumor Addressed at Hopkins County Schools*, TRISTATE (Aug. 18, 2022, 4:37 PM CDT), <https://www.tristatehomepage.com/news/local-news/litterbox-rumor-addressed-at-hopkins-county-schools/> [https://perma.cc/MXH9-2HPF].

¹⁴⁹ Lia Russell, *No, Maine Students Aren't Using Litter Boxes in School*, BANGOR DAILY NEWS (May 20, 2022, 7:34 AM), <https://fox23maine.com/no-maine-students-arent-using-litter-boxes-in-school-misinformation-brewer-school-department-tiktok-false-allegations-furries> [https://perma.cc/LJL2-AK4T].

¹⁵⁰ Isabella Grullón Paz, *Litter Boxes for Students Who Identify as Furries? Not So, Says School Official*, N.Y. TIMES (Jan. 24, 2022), <https://www.nytimes.com/2022/01/23/us/politics/michigan-litter-box-school.html> [https://perma.cc/ET52-D86H].

Minnesota,¹⁵¹ Missouri,¹⁵² Nebraska,¹⁵³ New Hampshire,¹⁵⁴ North Carolina,¹⁵⁵ North Dakota,¹⁵⁶ Ohio,¹⁵⁷ Oklahoma,¹⁵⁸ Pennsylvania,¹⁵⁹

¹⁵¹ Andrew Kaczynski, *Minnesota GOP Nominee for Governor Claimed Kids Are Using Litter Boxes in Schools—It's an Internet Hoax*, CNN (Oct. 3, 2022, 1:23 PM EDT), <https://www.cnn.com/2022/10/03/politics/scott-jennings-minnesota-schools-cat-litter-box> [https://perma.cc/NC94-QQ63].

¹⁵² Jim Dewey, *Hannibal School Board Adopts Vaping Policy and Learns Its School Restrooms Are Furry-Free*, MUDDY RIVER NEWS (June 16, 2022), <https://muddyrivernews.com/noteworthy/hannibal-school-board-adopts-vaping-policy-and-learns-its-school-restrooms-are-furry-free/20220616064326/> [https://perma.cc/5B27-XKLQ].

¹⁵³ Goldberg, *supra* note 36; Peiser, *supra* note 130; Grant Schulte, *Nebraska Lawmaker Apologizes for Debunked Litter Box Claim*, AP NEWS (Mar. 28, 2022, 7:11 PM EDT), <https://apnews.com/article/nebraska-lincoln-316c87249779706d6d78b58641c4a75e> [https://perma.cc/PN7Z-Q9UN].

¹⁵⁴ Cynthia McCormick Hibbert, *Did You Hear the Rumor About Kitty Litter Boxes for 'Furries' in Public Schools?*, NE. GLOB. NEWS (Nov. 4, 2022), <http://news.northeastern.edu/2022/11/04/kitty-litter-box-school-rumor/> [https://perma.cc/XVF4-V2NN].

¹⁵⁵ Nathaniel Puente, *'Furry' Costume Ban Proposed by Iredell-Statesville School Board*, WCNC (Oct. 3, 2022, 10:31 PM EDT), <https://www.wcnc.com/article/news/local/furry-costume-ban-proposed-by-iredell-statesville-school-board-animal-costumes-north-carolina-dress-code-change-tiktok-viral/275-f47cf769-b3ca-4924-a114-ad292f511d85> [https://perma.cc/WPF5-G3QT]; Sydney Heiberger, *North Carolina School District Discussing 'Furry' Ban Amid Hoax Calls About Students Dressing as Animals*, FOX8 (Oct. 12, 2022, 7:17 AM EDT), <https://myfox8.com/news/north-carolina/north-carolina-school-district-discussing-furry-ban-amid-hoax-calls-about-students-dressing-as-animals/> [https://perma.cc/Z8LH-9RQ4].

¹⁵⁶ C.S. Hagen, *Are There Furries in Fargo-Moorhead Schools? Yes, but No Litter Boxes*, INFORUM (Apr. 4, 2022, 4:37 AM), <https://www.inforum.com/news/fargo/are-there-furries-in-fargo-moorhead-schools-yes-but-no-litter-boxes> [https://perma.cc/EB6R-KH2J].

¹⁵⁷ Kingkade et al., *supra* note 2.

¹⁵⁸ Jonathan Nicholson, *Man Who Wants to Run Oklahoma's Schools Buys into Bogus 'Cat Litter' Conspiracy Theory*, HUFFPOST (Nov. 4, 2022, 11:35 PM EDT), https://www.huffpost.com/entry/oklahoma-school-superintendent-candidate-cat-litter_n_6365ccabe4b05f221e7a23d1 [https://perma.cc/2469-7HNH].

¹⁵⁹ Nick Matoney, *Principals Respond After 'Kitty Litter' Hoax Hits School District in Indiana County*, WTAE (Sept. 16, 2022, 8:04 AM EDT), <https://www.wtae.com/article/principals-respond-after-kitty-litter-hoax-hits-school-district-in-indiana-county/41240014#> [https://perma.cc/JC3R-SM7T]; Hagen, *supra* note 156.

Rhode Island,¹⁶⁰ South Carolina,¹⁶¹ South Dakota,¹⁶² Tennessee,¹⁶³ Texas,¹⁶⁴ Utah,¹⁶⁵ Vermont,¹⁶⁶ and Wisconsin.¹⁶⁷

Some of these rumors were attempted satire,¹⁶⁸ but none were true.¹⁶⁹ The litter box rumor was a “Pants on Fire!” lie.¹⁷⁰ To be clear, no one was putting litter boxes in classrooms to accommodate school-age children identifying as animals—well, almost no one.

In Bloomington, Indiana, during the spring of 2023, “social media posts began circulating of a sign posted on a teacher’s classroom door. ‘LITTERBOX NOW AVAILABLE IN ADAMS’S ROOM,’ the sign read. ‘ALL ANIMAL-IDENTIFYING STUDENTS WELCOME.’”¹⁷¹ The sign was a misguided, teacher-approved “social experiment by

¹⁶⁰ Bill Seymour, *NK School Officials Deny Claims of Litter Boxes in Schools*, INDEP. (Sept. 15, 2022), https://www.independentri.com/news/article_49b0cf14-3472-11ed-a5ff-af8bbc2c999f.html [https://perma.cc/W9PR-B4E5].

¹⁶¹ Caroline Williamson, *Fact Check: No, Horry Schools Did Not Provide Litter Boxes for Students Who Identify as Cats*, SUN NEWS (Aug. 20, 2022, 9:11 AM), <https://www.myrtlebeachonline.com/news/local/education/article264612386.html> [https://perma.cc/2JFH-K28C]; Alvieann Chandler, *School Districts Address ‘False Rumors’ of Students Using Litter Boxes, Behaving Like Cats*, FOX CAROLINA (Sept. 28, 2022, 4:17 PM EDT), <https://www.foxcarolina.com/2022/09/28/school-districts-address-rumors-students-using-litter-boxes-behaving-like-cats/> [https://perma.cc/R85J-24ES].

¹⁶² Deb Holland, *Meade Schools Won’t Have Litter Boxes*, BLACK HILLS PIONEER (July 18, 2022), https://www.bhpioneer.com/local_news/meade-schools-won-t-have-litter-boxes/article_8459b340-06e3-11ed-b45b-fb8a8a7c426e.html [https://perma.cc/L8F5-5LT6].

¹⁶³ Jason Lamb, *Tennessee School Officials: No, We Did Not Give Litter Boxes to Students Identifying as Furrries*, NEWS CHANNEL 5 (Sept. 30, 2022, 9:01 PM), <https://www.newschannel5.com/news/tennessee-school-officials-no-we-did-not-give-litter-boxes-to-students-identifying-as-furrries> [https://perma.cc/EP77-5M5W].

¹⁶⁴ See Wade, *supra* note 144.

¹⁶⁵ See Charles McCollum, *High School Principal Says There’s No Truth to Rumor of Litter Boxes for Student Said to Self-Identify as a Cat*, IDAHO STATE J. (Mar. 12, 2022), https://www.idahostatejournal.com/news/local/high-school-principal-says-theres-no-truth-to-rumor-of-litter-boxes-for-student-said/article_8180ae14-4937-5f2f-aa94-1840e7466782.html [https://perma.cc/2ER9-ME7M].

¹⁶⁶ Russell, *supra* note 149.

¹⁶⁷ Goldberg, *supra* note 36; Reuters Fact Check, *Waunakee School District Said It Does Not Have a ‘Furry Protocol’*, REUTERS (Apr. 7, 2022, 10:39 AM), <https://www.reuters.com/article/factcheck-furryprotocol-wisconsin-idUSL2N2W51FO> [https://perma.cc/LE6F-ZP5E]; Ali Swenson, *Wisconsin School District Does Not Have ‘Furry Protocol’*, AP NEWS (Apr. 5, 2022, 2:32 PM), <https://apnews.com/article/fact-checking-815307300834> [https://perma.cc/L5LB-T5ZH].

¹⁶⁸ Tulp, *supra* note 145; Durham, *supra* note 145.

¹⁶⁹ See Goldberg, *supra* note 36.

¹⁷⁰ Monique Curet, *Claim About Schools Providing Litter Boxes for Students Debunked in Several States*, POLITIFACT (Apr. 8, 2022), <https://www.politifact.com/factchecks/2022/apr/08/facebook-posts/claim-about-schools-providing-litter-boxes-student/> [https://perma.cc/36BM-25ET].

¹⁷¹ Christy Avery, *MCCSC Passes Resolution in Support of LGBTQIA+ Youth Tuesday*, IND. DAILY STUDENT (Mar. 29, 2023, 9:51 PM), <https://www.idsnews.com/article/2023/03/mccsc-lgbtq-resolution-bullying-harassment-monroe-county-public-schools> [https://perma.cc/AT65-ZT2N].

students analyzing how misinformation goes viral.”¹⁷² During the previous fall in Evansville, Indiana, a retired teacher appeared with a meowing adult woman before a school board spreading the original, specious rumor that students were dressing and acting like cats.¹⁷³ In response, an Indiana state senator proposed Senate Bill 380 “to address concerns about kids dressing up as ‘furries’ in classrooms, a national rhetoric that’s sprung from concerns about how LGBTQ kids identify and express themselves.”¹⁷⁴ The Indiana governor signed Senate Bill 380 into law on May 4, 2023.¹⁷⁵

The rumor about litter boxes in classrooms took off, and continues to be propagated, for the same reasons people believed satanic worshipers were ritualistically abusing children in the 1980s;¹⁷⁶ rebels were taking over London’s parliament in 1926 as described by Father Knox;¹⁷⁷ and Martians were invading the East Coast as reported by a radio broadcast in 1938.¹⁷⁸ People were probably susceptible to believing those falsehoods by virtue of their individual characteristics, their listening or learning environment at the time, and the political, economic, and social climate immediately before the events took place.¹⁷⁹ No known study has taken place regarding who believed the litter box rumor, but one can readily guess the believers likely had some of the susceptibility factors associated with cult indoctrination and lacked the critical thinking ability outlined by Professor Cantril.¹⁸⁰ Moreover, no one need guess why politicians promoted the rumor. History tells us.

Long before politicians wanted baseline voters (a.k.a. the base) to catch transphobia, they wanted them to catch homophobia. “George W. Bush started out as perhaps the most gay-friendly Republican president ever”¹⁸¹ He never even mentioned gay marriage at a

¹⁷² *Id.*

¹⁷³ Wilson, *supra* note 145.

¹⁷⁴ Arika Herron & Kayla Dwyer, *Here Are 5 Bills Still Alive Targeting Transgender Rights in Indiana*, INDIANAPOLIS STAR (Mar. 8, 2023, 8:46 AM), <https://www.indystar.com/story/news/politics/2023/03/08/5-bills-targeting-transgender-rights-indiana-general-assembly/69936310007/> [https://perma.cc/4YQS-L27B]; see S.B. 380, 123d Gen. Assemb., 1st Reg. Sess. (Ind. 2023).

¹⁷⁵ *Actions for Senate Bill 380*, IND. GEN. ASSEMB. (2023), <https://iga.in.gov/legislative/2023/bills/senate/380/actions> [https://perma.cc/CWE3-RSWT].

¹⁷⁶ See Goldberg, *supra* note 36.

¹⁷⁷ See *Britain Is Alarmed*, *supra* note 40.

¹⁷⁸ See CANTRIL, *supra* note 34, at 22–23.

¹⁷⁹ See *supra* notes 64–97 and accompanying text.

¹⁸⁰ See Curtis & Curtis, *supra* note 4, at 453–56; CANTRIL, *supra* note 34, at 111, 119–21.

¹⁸¹ Timothy J. Burger, *Inside George W. Bush’s Closet*, POLITICO MAG. (July/Aug. 2014), <https://www.politico.com/magazine/story/2014/06/inside-george-w-bushs-closet-108016/> [https://perma.cc/U32Z-PXGM].

campaign event until October 28, 2006, “right before the midterm elections.”¹⁸² In somewhat of a juxtaposition, the Bush administration had many gay staffers. “Did we have a lot of people in the closet in the administration?” says one former senior official in the Bush White House whose office included at least three gay staffers. “I used to say we had an entire warehouse.”¹⁸³

Steven Levine, a gay staffer who was advancing for Bush at the campaign event, believed “Bush himself was personally tolerant even if the GOP was not—and uncomfortable with gay-bashing as a way to win elections.”¹⁸⁴

Levine knew, of course, that Bush had officially backed the Federal Marriage Amendment, a proposed amendment to the Constitution to define marriage as solely between a man and a woman. But this was also the president who had made combating AIDS in Africa a personal cause . . . , who had met with previously ostracized gay Republican leaders and whose hard-line conservative vice president had an openly gay daughter. And besides, opposing gay marriage just “wasn’t a centerpiece of the campaign . . . ,” Levine recalled¹⁸⁵

However, “[a]t the time, it seemed to be great politics for Bush: Coming out against gay marriage, as Rove bragged in his 2010 book, *Courage and Consequence: My Life as a Conservative in the Fight*, ‘benefited my candidate’ and ‘helped reelect him’”¹⁸⁶ And there you have it. Bush acted out of political calculus.¹⁸⁷

As Rove put it, “I saw up close how it benefited my candidate: Gay rights activists bent on defeating George W. Bush helped reelect him by overreaching on same-sex marriage.”¹⁸⁸ Looking back, Rove was probably right in 2008 and was almost certainly right in 2004. In 2004, although other issues mattered more, “attitudes toward same-sex marriage had a statistically significant and meaningful impact on both individual voters and state vote totals.”¹⁸⁹

Irrespective of their personal views, politicians used transphobia to garner votes in the same manner Bush used homophobia to do

¹⁸² See *id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ See *Id.* (“Bush’s memoir is silent on this point. In his book, Rove acknowledges Bush’s ambivalence—while in effect confirming the political effectiveness of their decision to use it on the campaign trail anyway . . . members of his family, some friends, and his vice president didn’t share Bush’s strong support for traditional marriage.”).

¹⁸⁸ *Id.*

¹⁸⁹ Lewis, *supra* note 2, at 195.

so.¹⁹⁰ We know what type of person is susceptible to this type of manipulation, and we know politicians might want to manipulate them. Let us shift our focus to this vulnerable population and how they come to believe the things they do.

V. THE VULNERABLE BECOME EXTREMISTS

Over the last decade, the term *fake news* has been tossed around in the political world, reminiscent of its historical use as “news satire, news parody, fabrication, manipulation, advertising, and propaganda.”¹⁹¹ Members of “conservative political circles” have also pejoratively referred to sources they disfavor as fake news, including social media companies.¹⁹²

The “hyperpartisan political-[social] media machine” effectively manipulates its users through tactics bearing many nefarious names (e.g., extreme clickbait, inappropriate autosuggestions, computational propaganda, low-credibility content spread by bots, sock puppets, front groups, hashtag publics, astroturfing, image macros or memes, etc.).¹⁹³ The weaponization of these social media platforms can fairly be categorized as disinformation (i.e., false but intentional), misinformation (i.e., false but unintentional), and mal-information (i.e., true but released for purposes of harassment).¹⁹⁴ Whatever one calls this weaponization, or however one categorizes it, the end result is problematic for democracy.

Perhaps the fake news of today is the occasional rapid evolutionary leap that occurs when a new media technology upends how we produce, distribute, and consume news.¹⁹⁵ The radio and newswires of the twentieth century displaced the broadsheets and tabloids of the eighteenth and nineteenth centuries.¹⁹⁶ Now the internet and social media platforms are displacing legacy journalism.¹⁹⁷

Any efforts to quell or thwart fake news must necessarily preserve the freedoms of expression and press so as not to throw the baby out

¹⁹⁰ See James Pollard, *GOP Candidates Elevate Anti-Transgender Messaging as a Rallying Call to Christian Conservatives*, AP NEWS (Feb. 18, 2024, 12:35 PM EST), <https://apnews.com/article/lgbtq-transgender-republicans-trump-christian-conservatives-election-83becc009d8123d96a75c2e4940ab339> [https://perma.cc/3G7F-XBEQ].

¹⁹¹ Richard Rogers & Sabine Niederer, *The Politics of Social Media Manipulation*, in *THE POLITICS OF SOCIAL MEDIA MANIPULATION* 19, 22 (Richard Rogers & Sabine Niederer eds., 2020).

¹⁹² *Id.* at 22–23.

¹⁹³ See *id.* at 24–26, 28.

¹⁹⁴ See *id.* at 23.

¹⁹⁵ *Id.* at 51.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

with the bath water.¹⁹⁸ One avenue being pursued is fact-checking.¹⁹⁹ Although this effort may improve the factual accuracy of available information, it does not alter readers' attitudes.²⁰⁰ The online world has devolved into content personalization, creating filter bubbles and echo chambers.²⁰¹ As a result, ideologically distinctive alternatives to common sources challenge "what is known or settled fact."²⁰² "[T]he fake news audience comprises a small number of heavy Internet users, while the majority of news consumers continue to stick to the most well-known of news brands."²⁰³ These consumers are on the political right.²⁰⁴ An older, hardcore block of 10% of Americans have conservative information diets and rely upon fringe sources of information.²⁰⁵ These "omnivorous heavy users" have plenty of time to explore and consume the ideologically extreme.²⁰⁶ They share the most "problematic news stories" on social media involving "grievances" (e.g., traditional media bias) and "resentments" (e.g., lack of economic opportunity) that underlie societal divides.²⁰⁷ "[V]isits to fake news sites originate[] from social network sites . . . at a much higher rate than visits to real news sites, confirming the primary role social media play[s] in spreading fake news."²⁰⁸ "The social networks mapped from public Twitter and Facebook data show that the junk political news and information [is] concentrated among Trump's supporters."²⁰⁹ The effect on this group is profound.

¹⁹⁸ *Id.* at 57.

¹⁹⁹ *See id.* at 30.

²⁰⁰ *Id.*

²⁰¹ *See* IRA VAN KEULEN, IRIS KORTHAGEN, PAUL DIEDEREN & PIETER VAN BOHEEMEN, DIGITALISERING VAN HET NIEUWS: ONLINE NIEUWSGEDRAG, DESINFORMATIE EN PERSONALISATIE IN NEDERLAND [DIGITALIZATION OF THE NEWS: ONLINE NEWS BEHAVIOR, DISINFORMATION AND PERSONALIZATION IN THE NETHERLANDS] 77 (2018), <https://www.rathenau.nl/sites/default/files/2018-05/Digitalisering%20van%20het%20nieuws.pdf> [<https://perma.cc/4NEK-NAJC>] (accessed via Dutch to English machine translation provided by Google Translate).

²⁰² Rogers & Niederer, *supra* note 191, at 31.

²⁰³ Jacob L. Nelson & Harsh Taneja, *The Small, Disloyal Fake News Audience: The Role of Audience Availability in Fake News Consumption*, 20 NEW MEDIA & SOC'Y 1, 1 (2018).

²⁰⁴ Rogers & Niederer, *supra* note 191, at 43.

²⁰⁵ *Id.* at 44. The ideological divide may vary by country. *See e.g.*, KEULEN ET AL., *supra* note 201, at 21 ("De Nederlandse nieuwsconsumptie is veel minder gepolariseerd dan die in de Verenigde Staten . . .") ["Dutch news consumption is much less polarized than that in the United States . . ."].

²⁰⁶ *See* Nelson & Taneja, *supra* note 203, at 4.

²⁰⁷ Rogers & Niederer, *supra* note 191, at 44.

²⁰⁸ Nelson & Taneja, *supra* note 203, at 2.

²⁰⁹ VIDYA NARAYANAN, VLAD BARASH, JOHN KELLY, BENEC KOLLANYI, LISA-MARIA NEUDERT & PHILLIP N. HOWARD, POLARIZATION, PARTISANSHIP AND JUNK NEWS CONSUMPTION OVER SOCIAL MEDIA IN THE US 5 (2018).

Social psychology, a sub-discipline of psychology, is “concerned primarily with relationships, influences, and transactions among people, and particularly group behavior.”²¹⁰ “Because violent extremism is most often a group-related phenomenon, the sub-discipline’s empirical lessons about group dynamics help illuminate the behavior of . . . collectives.”²¹¹ Groups or collectives politically radicalize via various mechanisms.²¹²

First, the group polarizes, meaning “the ‘average’ opinions of group members tend to become more extreme as they attempt to negotiate consensus.”²¹³ Second, the group members become more cohesive and interdependent when threatened and isolated, thereby ensuring greater compliance to group norms.²¹⁴ Third, radicalized groups are more attractive to potential members because of their perceived commitment to the cause.²¹⁵ Fourth, governmental opposition to the group culls less committed members, intensifying the commitment of the remaining radicals.²¹⁶ Fifth, ideological tensions splinter the group into competing factions, escalating the battle of extremity among the factions.²¹⁷

Those most radicalized by politically charged fake news won out over more moderate voices on January 6th. They converged on the Capitol with a leader who promoted five key themes since being elected: “(1) The true version of the United States is beset with invaders; (2) Real Americans can see this; (3) I (Trump) am uniquely qualified to stop this invasion; (4) The establishment and its agents are hindering me; and (5) The U.S. is in mortal danger because of this.”²¹⁸ Trump’s January 6th “rally was a supreme feat of identity impresarioship.”²¹⁹ “[T]he power of Trump’s speech la[id] in its provision of a moral framework that impelled his audience to do work creatively to ‘stop the steal.’”²²⁰

²¹⁰ Randy Borum, *Radicalization into Violent Extremism I: A Review of Social Science Theories*, 4 J. STRATEGIC SEC. 7, 20 (2011).

²¹¹ *See id.*

²¹² *See id.* at 21–22.

²¹³ *Id.* at 22.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ Haslam et al., *supra* note 3, at 4.

²¹⁹ *Id.* at 5.

²²⁰ *Id.* at 11.

VI. MAGA MEMBERS ARE POTENTIALLY SUSCEPTIBLE TO TRUMP

Whatever one calls them, insurrectionists or patriots, those entering the Capitol on January 6th are passionate supporters of Trump and can be fairly characterized as Make America Great Again® (MAGA) members.²²¹ To know whether they are also members of a cult, one must compare their peculiar or particular characteristics and circumstances to what is known about cult dynamics.

The U.S. Department of Justice (DOJ) criminally charged 716 people within one year of January 6th,²²² but the actual number of participants could be as high as 5,000.²²³ The Seton Hall University School of Law Center for Policy and Research (SHU) valiantly attempted, but failed to truly answer, a very captivating question of particular import: “[J]ust who are these people?”²²⁴ The Program on Extremism at the George Washington University (GW) undertook a similar effort.²²⁵ Most (i.e., 86%) were not affiliated with any organized group²²⁶ (e.g., Oath Keepers,²²⁷ Proud Boys,²²⁸ and Three Percenters²²⁹). According to SHU’s rudimentary review,²³⁰ the MAGA members appeared to “mirror the profile of Americans as a whole according to the US Census—minus striking differences in race and gender.”²³¹ They ranged in age from eighteen to eighty-one²³² but

²²¹ See *id.* at 1.

²²² MARK DENBEAUX & DONNA CRAWLEY, THE JANUARY 6 INSURRECTIONISTS: WHO THEY ARE AND WHAT THEY DID 27 (2023). Another compilation puts the number arrested at 725 and federally charged at 704. See BENNETT CLIFFORD & JON LEWIS, “THIS IS THE AFTERMATH”: ASSESSING DOMESTIC VIOLENT EXTREMISM ONE YEAR AFTER THE CAPITOL SIEGE 12 (2022).

²²³ DENBEAUX & CRAWLEY, *supra* note 222, at 27.

²²⁴ See *id.* at 3, 9.

²²⁵ See CLIFFORD & LEWIS, *supra* note 222, at 8–9.

²²⁶ Only one hundred came with organized groups $((716 - 100) / 716 = \sim 86\%)$. See DENBEAUX & CRAWLEY, *supra* note 222, at 6.

²²⁷ Founded in 2009, this group is “composed mainly of former or current military personnel, law enforcement officers, and first responders who pledge to defend the Constitution against all enemies, foreign and domestic.” *Id.* at 9.

²²⁸ This alt-right movement is “a self-proclaimed group of ‘Western chauvinists’ founded in 2016.” *Id.*

²²⁹ This is a far-right, extremist group named after “the myth that only three percent of American colonists took up arms against the British during the American Revolution.” *Id.* at 45.

²³⁰ SHU assumed the DOJ’s allegations were accurate and relied upon incomplete information. See *id.* at 4. Although coordinating with a statistical consultant, SHU freely acknowledged the data contained within the pertinent legal filings “are neither systematic nor complete and do not necessarily include the broadest scale.” *Id.* The student data collectors may have also suffered from confirmation bias, having preconceived notions that “the rioters were White, male, and likely employed in ‘blue collar’ professions.” *Id.* at 9.

²³¹ *Id.* at 3.

²³² *Id.* at 10. GW pegs the oldest at 80. CLIFFORD & LEWIS, *supra* note 222, at 12.

were overwhelming white and male.²³³ They came from forty-five states and the District of Columbia.²³⁴ SHU's observations ultimately provide a good starting point to explaining the crowd's panicked, impulsive behavior, specifically whether participants traveled alone or with others to the Capitol;²³⁵ came with their families, friends, or alone;²³⁶ or were educated or not.²³⁷ SHU's observations are also illustrative concerning susceptibility to believing other aspects of MAGA orthodoxy, specifically the members' financial hardships.²³⁸

A. Educated v. Uneducated

According to SHU, "82 [of the MAGA members] had college degrees, 52 had 'some' college, 68 had high school diplomas, and 20 had completed some post-graduate education."²³⁹ The remainder's educational level is largely unknown, approximately 500 individuals.²⁴⁰

B. Alone v. Connected

In total, over a third of the MAGA members arrived at the Capitol alone.²⁴¹ Almost a quarter came with family,²⁴² including a higher percentage of women than men.²⁴³ These families were less violent and less criminal.²⁴⁴ The remainder of the group, approximately 44.9%, necessarily came with non-family acquaintances.²⁴⁵

²³³ See DENBEAUX & CRAWLEY, *supra* note 222, at 12.

²³⁴ CLIFFORD & LEWIS, *supra* note 222, at 12.

²³⁵ See DENBEAUX & CRAWLEY, *supra* note 222, at 5.

²³⁶ *Id.*

²³⁷ *Id.* at 17.

²³⁸ See *id.* at 21.

²³⁹ *Id.* at 17. These numbers total 222 (82 + 52 + 68 + 20). See *id.* However, in its Educational Attainment table, SHU indicates educational levels were "only available for 224 of the 716." *Id.* The discrepancy is left unexplained. See *id.*

²⁴⁰ See *id.*

²⁴¹ 35.1% (251 of 716). *Id.* at 22.

²⁴² 21.4% (153 of 716). *Id.* at 15.

²⁴³ 46.2% of women (42 of 91) went with a family member versus 17.8% of men (112 of 625). *Id.* at 16.

²⁴⁴ *Id.*

²⁴⁵ *Id.* at 22.

C. Childhood Trauma and Substance Abuse

Neither SHU's nor GW's work specifically addressed whether MAGA members suffered childhood trauma or were exposed to substance abuse in those early, formative years of life.²⁴⁶

D. Financial Hardship, Housing Instability, and Uncertainty

Of the MAGA members, approximately 20% were facing serious financial catastrophes like bankruptcies, judgments, liens, foreclosures, and evictions.²⁴⁷

E. Military Background

Although “extremism does not appear to be more prevalent among service members than it is in American society as a whole,”²⁴⁸ a substantial percentage of MAGA members had a military background.²⁴⁹ The proportion could be as high as 15.2%.²⁵⁰ On average they had “been separated from military service for nearly 15 years.”²⁵¹ Depending upon the criteria employed, male veterans were either “somewhat” more likely or “twice as likely to be charged as males in the general population.”²⁵² In contrast, female veterans were charged at a comparable rate to females in the general population.²⁵³

F. Characteristics Outlined in Sentencing Memoranda

Upon delving deeper into specific empirical characteristics contained primarily in the MAGA members' own sentencing memoranda, the members show stark differences from the general population. Even before getting past surnames beginning with the

²⁴⁶ See *id.* at 2; CLIFFORD & LEWIS, *supra* note 222, at 5.

²⁴⁷ 19.6% (140 of 716). DENBEAUX & CRAWLEY, *supra* note 222, at 21.

²⁴⁸ PETER K. LEVINE, JOSEPH F. ADAMS, AMY A. ALRICH, RACHEL G. AUGUSTINE, MARGARET D.M. BARBER, SUJEETA B. BHATT, KATHLEEN M. CONELY, DAVE I. COTTING, ALAN B. GELDER, JEFFREY M. JAWORSKI, MARK F. KAYE, CARRINGTON A. METTS, NEIL V. MITHAL & MATTHEW J. REED, PROHIBITED EXTREMIST ACTIVITIES IN THE U.S. DEPARTMENT OF DEFENSE, IDA PAPER P-33076, at vii (2023) <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx> [<https://perma.cc/6QKJ-YRN2>].

²⁴⁹ 14.7% (105 of 716). See DENBEAUX & CRAWLEY, *supra* note 222, at 23. The percentage is 11%, according to GW. CLIFFORD & LEWIS, *supra* note 222, at 15.

²⁵⁰ See LEVINE ET AL., *supra* note 248, at 31–32 (finding that up to 107 of 704 people facing federal charges, or 15.2%, were veterans).

²⁵¹ *Id.* at 32.

²⁵² *Id.* at 33–34.

²⁵³ *Id.* at 36.

first two letters of the alphabet, those MAGA members who were quickly²⁵⁴ convicted (either by trial or plea) and sentenced stand out for all the wrong reasons associated with susceptibility.

1. Surnames Beginning with “A”

According to Eduardo Alvear Gonzalez, he got “[r]edpilled”²⁵⁵ in 2020, when he lost his job “for being a Trump supporter” and watched a movie entitled *Fall of the Cabal*.²⁵⁶ “*Fall of the Cabal* is an antisemitic 2019 documentary created by Dutch conspiracy theorist Janet Ossebaard about the downfall of the cabal, the global elite who control the world. The video is a popular recruitment tool for QAnon followers.”²⁵⁷ Perhaps unsurprisingly, Gonzalez “has been self-employed since 2019.”²⁵⁸

Thomas B. Adams, Jr., had a tenuous grip on reality. He supported Trump because “he did not want a ‘pedophile’ running this country.”²⁵⁹

Rasha Abual-Ragheb was troubled to find her voting status inactive after the election.²⁶⁰ “She showed up [at the Capitol] wearing a tutu to dance[] during her protest.”²⁶¹ “[B]orn and raised in Jordan,” Abual-Ragheb grew up with “a strict father who arranged her marriage.”²⁶² She is afraid to return to her homeland because she is divorced, which she believes is a source of familial shame that would subject her to death threats.²⁶³ Abual-Ragheb is also a domestic

²⁵⁴ Quickly is roughly defined as occurring within two years of January 6th.

²⁵⁵ Red pillled means to become aware or enlightened about the universe. The word originally comes from the motion picture *The Matrix*, and has since come to connote one’s acceptance of right-wing viewpoints. *Red Pillled*, URB. DICTIONARY, <https://www.urbandictionary.com/define.php?term=red%20pilled> [https://perma.cc/KV4C-6RSN].

²⁵⁶ Exhibit 5 of Defendant’s Sentencing Memorandum at 2, United States v. Gonzalez, No. 21-cr-0115-CRC (D.D.C. Jan. 3, 2022). All citations beginning with “Case” are to docket references in federal criminal cases accessible through PACER (Public Access to Court Electronic Records).

²⁵⁷ *Fall of the Cabal*, ANTI-DEFAMATION LEAGUE, <https://extremismterms.adl.org/glossary/fall-cabal> [https://perma.cc/9Y8F-PE6D].

²⁵⁸ Exhibit 5 of Defendant’s Sentencing Memorandum, *supra* note 256, at 2.

²⁵⁹ Statement of Facts for Stipulated Trial at 11, United States v. Adams, 21-cr-00354 (D.D.C. Jan. 30, 2023), ECF No. 49.

²⁶⁰ Defendant’s Memorandum in Aid of Sentencing at 5, United States v. Abual-Ragheb, 21-cr-00043 (D.D.C. Nov. 2, 2021), ECF No. 28.

²⁶¹ *Id.*

²⁶² *Id.* at 8.

²⁶³ *Id.*

violence victim and suffers from mental health issues.²⁶⁴ English is her second language.²⁶⁵

Russell Dean Alford grew up in a military family, moving around “a good bit as a child.”²⁶⁶ His father “struggled with alcoholism.”²⁶⁷ In adulthood, Alford divorced and never remarried.²⁶⁸ Alford eventually had a son but “years would pass without any contact.”²⁶⁹ Alford “lives with his dog in a ‘tiny home’ behind [his] body shop . . . [,] has a small circle of friends . . . , but largely keeps to himself.”²⁷⁰ “He has lived alone since his mother’s passing”²⁷¹

For a single man in his sixties who lived alone and far away from most family, and with only a few friends in town, social media presented a forum for connection and community. Unfortunately, it was on this forum that Mr. Alford was exposed to the constant stream of lies and conspiracy theories²⁷²

Tommy Frederick Allan “became a real estate investor shortly before the largest housing crisis of our country’s history.”²⁷³ He lost everything and had to start over.²⁷⁴ Allan liked Trump’s “America First” policies that promised freedom and prosperity for people like [him], “The forgotten man”—who owned a small business.”²⁷⁵ In his social media posts, Allan, a vulnerable individual, was just repeating the “political rhetoric” of Trump.²⁷⁶ At the Capitol, he just “followed the crowd.”²⁷⁷

Ryan Ashlock, who was a youthful twenty-three when sentenced,²⁷⁸ is an Eagle Scout dedicated to service,²⁷⁹ particularly animals.²⁸⁰ Since graduating high school, he has been employed in a factory, by

²⁶⁴ *Id.* at 8 & n.4.

²⁶⁵ *Id.* at 5.

²⁶⁶ Why a Split Sentence Satisfies Every Sentencing Factor: Mr. Alford’s Sentencing Memorandum at 3, United States v. Alford, 21-cr-00263 (D.D.C. Jan. 26, 2023), ECF No. 107.

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ *Id.* at 4–5.

²⁷¹ *Id.* at 19.

²⁷² *Id.* at 19–20.

²⁷³ Defendant’s Memorandum in Aid of Sentencing at 7, United States v. Allan, No. 21-cr-00064 (D.D.C. Dec. 1, 2022), ECF No. 45.

²⁷⁴ *Id.*

²⁷⁵ *Id.* at 8.

²⁷⁶ *See id.* at 20.

²⁷⁷ *Id.* at 11.

²⁷⁸ Defendant’s Memorandum in Aid of Sentencing at 1, United States v. Ashlock, No. 21-cr-00160 (D.D.C. Jan. 6, 2023), ECF No. 177.

²⁷⁹ *Id.* at 5–7.

²⁸⁰ *Id.*

a labor union, and with Walmart as a cart pusher.²⁸¹ Perhaps most importantly, Ashlock is immature and impressionable.²⁸²

January 6th was Stephen Michael Ayres' "first political rally," and he just "followed the crowd" to the Capitol.²⁸³ His high school friend, who invited him to Washington, D.C., committed suicide primarily because of the pressure associated with the criminal case.²⁸⁴ Ayres previously trusted Trump, hung on his every word, and now feels misled.²⁸⁵ He testified before Congress:

It makes me mad because I—I was hanging on every word [Trump] was saying. Everything he was putting out. I was following it. I mean, if I was doing it, hundreds of thousands or millions of other people are doing it, or maybe even still doing it. . . . Who knows what the next election could come out, you know. It could end up being down the same path we are now.²⁸⁶

Ayres is a patriotic American whose perspective was clouded by political figures.²⁸⁷ He is man who would give you the shirt off his back and lend a helping hand with no questions asked.²⁸⁸ Ayres was "swept up with social media" but now recognizes he was a "pawn" who mistakenly believed in the "lies."²⁸⁹ He "no longer follows politics closely and is off social media entirely."²⁹⁰

Ayres was raised in "low-income housing" by a teenage mother "with only a 9th grade education."²⁹¹ He really did not know his father and learned "later in life he ha[d] sisters."²⁹² Ayres started drinking at fifteen and became addicted to oxycodone.²⁹³ After getting his life together free from drugs and alcohol,²⁹⁴ Ayres became a supervisor

²⁸¹ *Id.* at 10.

²⁸² *Id.* at 11.

²⁸³ Defendant's Memorandum in Aid of Sentencing at 3, *United States v. Ayres*, No. 21-cr-00156 (D.D.C. Sept. 15, 2022), ECF No. 62.

²⁸⁴ *Id.* at 2, 13.

²⁸⁵ *Id.* at 4 n.2, 13.

²⁸⁶ *Id.* at 4 n.2.

²⁸⁷ Exhibit K to Defendant's Memorandum in Aid of Sentencing at 2, *Ayres*, No. 21-cr-00156, ECF No. 62-11.

²⁸⁸ *Id.*

²⁸⁹ Defendant's Memorandum in Aid of Sentencing, *supra* note 283, at 6.

²⁹⁰ *Id.* at 2.

²⁹¹ Exhibit C to Defendant's Memorandum in Aid of Sentencing at 2, *Ayres*, No. 21-cr-00156, ECF No. 62-3.

²⁹² Exhibit D to Defendant's Memorandum in Aid of Sentencing at 2, *Ayres*, No. 21-cr-00156, ECF No. 62-4.

²⁹³ See Exhibit C to Defendant's Memorandum in Aid of Sentencing, *supra* note 291, at 2.

²⁹⁴ Exhibit A to Defendant's Memorandum in Aid of Sentencing at 2, *Ayres*, No. 21-cr-00156, ECF No. 62-1.

with a cabinet manufacturer until he was fired for being criminally charged concerning January 6th.²⁹⁵

2. Surnames Beginning with “B”

Matthew Baggott was a “National Merit Commended Scholar” in high school, graduated college with a B.S. in Wildlife and Conservation Biology,²⁹⁶ and professionally traps nuisance wildlife for a living.²⁹⁷ He was “emotionally moved by the energy of the crowd” at the Capitol and acted in the “heat of the moment.”²⁹⁸ “[R]aised by missionary parents”²⁹⁹ in the Ivory Coast³⁰⁰ without a television,³⁰¹ Baggott and “his family were victims of armed home invasions on two occasions” and were “forced to flee their home [because of] a civil war when he was only ten years old.”³⁰² Dedicated to serving others, Baggott “would give [you] the shirt off of his back” and “abandoned his personal plans . . . to care for his [cancer-stricken] mother.”³⁰³ He “wears his heart on his sleeve,” speaks and acts “the word of the Holy Bible,” and even brought a homeless man to a wedding as his “plus-one.”³⁰⁴

Stephen Maury Baker comes from “a close-knit family,” ordinarily “wouldn’t squash a bug,” and attended Western Michigan University and a community college.³⁰⁵ He is a “working musician” but was fired as a “music instructor” after being criminally charged for January 6.³⁰⁶

Robert Ballesteros had “barely any parental supervision and watched his mother struggle with substance abuse until she passed away from a heroin overdose when Robert was only sixteen years old. After his mother’s death, Robert struggled with his mental

²⁹⁵ See Defendant’s Memorandum in Aid of Sentencing, *supra* note 283, at 1.

²⁹⁶ Attachment 8 to Sentencing Memorandum at 1, United States v. Baggott, No. 21-cr-00411 (D.D.C. July 29, 2022), ECF No. 66-8.

²⁹⁷ Sentencing Memorandum at 3, *Baggott*, No. 21-cr-00411, ECF No. 66; Attachment 3 to Sentencing Memorandum at 1, *Baggott*, No. 21-cr-00411, ECF No. 66-3.

²⁹⁸ Sentencing Memorandum, *supra* note 297, at 2.

²⁹⁹ *Id.*

³⁰⁰ *Id.* at 3.

³⁰¹ Attachment 7 to Sentencing Memorandum at 1, *Baggott*, No. 21-cr-00411, ECF No. 66-7.

³⁰² Sentencing Memorandum, *supra* note 297, at 3.

³⁰³ *Id.* at 4 (internal quotation marks omitted).

³⁰⁴ See Attachment 1 to Sentencing Memorandum at 1, *Baggott*, No. 21-cr-00411, ECF No. 66-1.

³⁰⁵ Defendant’s Sentencing Memorandum at 3–4, United States v. Baker, No. 21-cr-00273 (D.D.C. May 4, 2022), ECF No. 35.

³⁰⁶ *Id.* at 4.

health”³⁰⁷ He “has a long history of struggling with his mental health.”³⁰⁸ “Robert . . . observed constant fighting between his father and his first stepmother.”³⁰⁹ He now “lives alone.”³¹⁰ He acted “immature[ly]” at the Capitol.³¹¹

Dawn Bancroft was “a productive and law[-]abiding member of society with legitimate employment, a positive influence to her children, as well as respected member of her community.”³¹² “[H]er business, a gymnasium, which had already been struggling financially after the COVID-19 pandemic, lost its CrossFit designation after her arrest was made public.”³¹³ She is now a “personal trainer.”³¹⁴

In entering the Capitol, Bancroft made a “spur of the moment” or “‘knee jerk’ decision . . . following others on the misguided information that the presidential election had been stolen.”³¹⁵ It was a “herd issue.”³¹⁶ When changing her plea, the presiding judge remarked that these cases “essentially turned ‘otherwise law[-]abiding people into domestic terrorists.’”³¹⁷

Thomas Baranyi, a medically discharged U.S. Marine,³¹⁸ is a college-educated former U.S. Peace Corps volunteer.³¹⁹ He “believes in ideals and principles” and “desire[s] to serve and help others.”³²⁰ Baranyi was raised in a “verbally and physically abusive” household with an “alcoholic” father.³²¹ At the Capitol, he “went along with the crowd,”³²² believing Vice President Mike Pence could overturn the election.³²³ Baranyi regrets “lending his voice to a falsehood about a fraudulent election.”³²⁴

³⁰⁷ Defendant’s Memorandum in Aid of Sentencing at 1, United States v. Ballesteros, No. 21-cr-00580 (D.D.C. Mar. 14, 2022), ECF No. 38.

³⁰⁸ *Id.* at 8.

³⁰⁹ *Id.* at 4.

³¹⁰ *Id.* at 5.

³¹¹ *Id.* at 6.

³¹² Sentencing Memorandum at 1, United States v. Bancroft, No. 21-cr-00271 (D.D.C. July 18, 2022), ECF No. 57.

³¹³ *Id.* at 5.

³¹⁴ *Id.* at 29.

³¹⁵ *See id.* at 6, 11–12.

³¹⁶ *Id.* at 17.

³¹⁷ *Id.* at 14.

³¹⁸ Memorandum in Aid of Sentencing at 29, United States v. Baranyi, No. 21-cr-00062 (D.D.C. June 14, 2022), ECF No. 53.

³¹⁹ *Id.* at 26.

³²⁰ *Id.* at 30.

³²¹ *Id.* at 29.

³²² *Id.* at 27.

³²³ *Id.* at 4.

³²⁴ *Id.* at 35.

Eric Barber, a father,³²⁵ is also a former city council member from a “conservative part of West Virginia.”³²⁶ As a politician, “[t]he more Mr. Barber tweeted opinions similar to Trump[']s, the more attention he received from conservative constituents.”³²⁷ Barber regrets mimicking Trump.³²⁸ He “lost his job as a result of January 6th.”³²⁹

At the Capitol, Barber “kind of just went with the crowd,”³³⁰ and he regrets doing so.³³¹ He had a “pretty significant lapse of judgment” in going “with the wave of bodies.”³³² Barber thinks “Antifa” are terrorists and believed they would be at the Capitol.³³³

Barber had an “unstable childhood,” was beaten “pretty bad,” lived with his grandmother because his parents did not want him, and “ended up in the foster care system.”³³⁴ There, his foster parents provided him with alcohol.³³⁵ Barber was then expelled from high school, placed in a “behavior disorder program,” and served five years in prison for a felony conviction.³³⁶ He earned “his GED in the penitentiary and completed a semester of college.”³³⁷

On January 6th, Richard Franklin Barnard III made a “misguided decision” after being “caught up in a confusing situation.”³³⁸ Passionate and “headstrong,” Barnard’s actions were instigated and encouraged by Trump.³³⁹ He’s a “strong Christian” with “unwavering patriotism.”³⁴⁰

“Richard Barnett is one of the most famous January 6 cases because of a picture of him sitting with his foot on a desk in the office suite of the Speaker of the House.”³⁴¹ A retired firefighter, Barnett got “caught up in the events” of that day.³⁴² He still believes “the

³²⁵ Memorandum in Aid of Sentencing at 19, *United States v. Barber*, No. 21-cr-00228 (D.D.C. June 7, 2022), ECF No. 38.

³²⁶ *Id.* at 3.

³²⁷ *Id.* at 24.

³²⁸ *Id.*

³²⁹ *Id.*

³³⁰ *Id.* at 17.

³³¹ *Id.* at 20.

³³² *Id.* at 21.

³³³ *Id.* at 22.

³³⁴ *Id.* at 23.

³³⁵ *Id.* at 24.

³³⁶ *Id.*

³³⁷ *Id.*

³³⁸ Attachment A: Character Letters to Defendant’s Sentencing Memorandum at 2, *United States v. Barnard*, No. 21-cr-00235 (D.D.C. Jan. 24, 2022), ECF No. 37-1.

³³⁹ *Id.* at 5.

³⁴⁰ *Id.* at 6.

³⁴¹ Defendant’s Sentencing Memorandum at 1, *United States v. Barnett*, No. 21-cr-00038 (D.D.C. May 17, 2023), ECF No. 200.

³⁴² *Id.*

election was stolen” and “President Biden is beholden to China.”³⁴³ Barnett also believes in “Antifa.”³⁴⁴ He had or has an alcohol problem, having been convicted of “DUIs in 1989, 1992, and 2002.”³⁴⁵ Barnett “lives in rural Arkansas in a mobile home that is owned by his significant other.”³⁴⁶ He is “obviously a God fearing Christian and he [is] not afraid to tell you that.”³⁴⁷ Barnett brings “God” into the lives of others³⁴⁸ and “loves the Constitution and the founding fathers.”³⁴⁹ He would give you “the shirt off his own back.”³⁵⁰

Not everyone fits the mold of these MAGA members, but their similarities warrant further inquiry. If they are in a cult, that cult was necessarily led by Trump.

VII. TRUMP CREATES A PERSONALITY CULT THROUGH CHARISMATIC DOMINATION

In 2016, Roger Griffin, a purported expert on fascism, wrote that Mussolini and Hitler seized power democratically and then dismantled or perverted the very system that got them elected in the first place.³⁵¹ According to Griffin, “Trump, whatever his faults, [had] given no sign that he intend[ed] the destruction of the U.S. constitutional system and its replacement by a totalitarian ‘new order’ with himself as its charismatic leader for (in his case a short) perpetuity.”³⁵² By the election of 2020, Trump proved smart people, like Griffin, sometimes get things terribly wrong.

Trump’s motto was never really *America First* as he initially espoused.³⁵³ It was always *Trump First*—though he would probably capitalize more than the F (i.e., *TRUMP FIRST*).³⁵⁴ “Trump comports himself as someone to whom the rules of society do not apply”³⁵⁵ but, like any good cult leader, he opened with *America First* and kept

³⁴³ *Id.* at 5.

³⁴⁴ *Id.* at 15–16.

³⁴⁵ *See id.* at 5 n.2.

³⁴⁶ *Id.* at 22.

³⁴⁷ Exhibit 5 to Defendant’s Sentencing Memorandum at 4, *Barnett*, No. 21-cr-00038, ECF No. 200-5.

³⁴⁸ *See id.* at 1.

³⁴⁹ Defendant’s Sentencing Memorandum, *supra* note 341, at 23; *see also* Exhibit 5 to Defendant’s Sentencing Memorandum, *supra* note 347, at 3.

³⁵⁰ Exhibit 5 to Defendant’s Sentencing Memorandum, *supra* note 347, at 2.

³⁵¹ Roger Griffin, *The Last Trump?*, U. CHI. DIVINITY SCH. (Sept. 8, 2016), <https://divinity.uchicago.edu/sightings/articles/last-trump> [<https://perma.cc/7C3R-KJ86>].

³⁵² *Id.*

³⁵³ Natalie Koch, *On the Cult of Personality and Its Consequences: American Nationalism and the Trump Cult*, in *SPATIALIZING AUTHORITARIANISM* 194, 198 (Natalie Koch ed., 2022).

³⁵⁴ *Id.*

³⁵⁵ *Id.*

Trump First to himself until elected.³⁵⁶ After that election, a White House press secretary aptly encapsulated her cultish view by proclaiming that “God ‘wanted Donald Trump to become President.’”³⁵⁷ Trump acted godlike, “centraliz[ing] governmental power in his own hands” and then inciting an insurrection when his reign was about to end.³⁵⁸ If there is a godlike leader, there must first be a religion.

The secular, civil religion of the United States is the citizenry’s adherence to the Constitution.³⁵⁹ The affinity for their martyred soldiers—saints who protect democracy—illustrates the depth of the religious commitment.³⁶⁰ “The fusion of religion, nationalism, and cults of personality is not unique to the US context—it was evident in the cults around Stalin and Hitler”³⁶¹ Although flawed, both dictators were viewed as infallible and omniscient.³⁶² Like them, Trump was the Christian right’s “flawed vessel” through which his followers would receive salvation.³⁶³ If you believe these are the end times, and Trump is the path to your salvation, then you can understandably overlook his moral shortcomings.³⁶⁴ “Trump’s cult is systematically designed to obscure the truth that belies his mythological portrayal as an *Übermensch*”^[365] entitled to exceptional treatment and adoration.”³⁶⁶ For his followers, he shares the characteristics of a monarch who is beloved but not literally believed.³⁶⁷

“The systematic lying built into a personality cult works in several key ways.”³⁶⁸ First, the lie destabilizes the populous, operating through feeling rather than truth.³⁶⁹ For example, Trump’s inaugural crowd may feel like the largest to his followers even though it probably was not. Second, over time, the populous repeats the lie out

³⁵⁶ *See id.*

³⁵⁷ *Id.*

³⁵⁸ *See id.*

³⁵⁹ *See id.* at 207.

³⁶⁰ *See id.* at 207–08.

³⁶¹ *Id.* at 208.

³⁶² *Id.* at 209.

³⁶³ *Id.*

³⁶⁴ *See id.*

³⁶⁵ *Übermensch* is a superman of Nietzsche’s ethical vision. *Übermensch*, OXFORD REFERENCE, <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803110446143> [https://perma.cc/HN84-8FE9]; *see also* *Übermensch*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/%C3%9Cbermensch> [https://perma.cc/77NW-GCR8].

³⁶⁶ Koch, *supra* note 353, at 210.

³⁶⁷ *See id.*

³⁶⁸ *Id.*

³⁶⁹ *Id.*

of obedience rather than objective belief because fear has now taken hold.³⁷⁰ Third, the elites perpetuate the obvious lie because of the benefits they reap by being part of the leader's "inner sanctum."³⁷¹ Eventually, the populous will avoid the topic of politics altogether. For example, in the former Soviet states, people often remark: "I don't talk politics."³⁷² That view is now taking hold in the U.S.³⁷³ It may be a safe way to preserve familial relationships, but it is injurious to a democracy.³⁷⁴

Natural leaders are not elected, appointed, or trained, but are those who possess specific, undefinable charisma regarded as almost "supernatural, in the sense of not being available to everyone."³⁷⁵ "The bearer of charisma assumes the tasks appropriate to him and requires obedience and a following in virtue of his mission."³⁷⁶ "[C]harismatic political heroes seek booty, above all in the form of money."³⁷⁷ The normal rules and norms do not apply to a charismatic leader.

In charismatic domination, "abstract legal propositions and regulations" are rejected in favor of the prophet, oracle, or hero's revelations.³⁷⁸ "[C]harismatic justice is always rule-free," meaning the "bonds of formalism" and "the sanctity of tradition[s]" must yield to those revelations.³⁷⁹ "The power of charisma . . . depends on beliefs in revelation and heroism, on emotional convictions about the importance and value of a religious, ethical, artistic, scientific, political or other manifestation, on heroism, whether ascetic or military, or judicial wisdom or magical or other favours."³⁸⁰ Charisma produces "a fundamental change of heart (*metanoia*)"^[381] in the ruled."³⁸² The charismatic leader "overturns all ideas of the sacred."³⁸³

³⁷⁰ See *id.* at 211.

³⁷¹ *Id.* at 212.

³⁷² *Id.* at 214.

³⁷³ See *id.*

³⁷⁴ *Id.*

³⁷⁵ MAX WEBER, SELECTIONS IN TRANSLATION 226 (W.G. Runciman ed., Eric Matthews trans., 1978).

³⁷⁶ *Id.* at 227.

³⁷⁷ *Id.* at 228.

³⁷⁸ See *id.* at 230.

³⁷⁹ *Id.*

³⁸⁰ *Id.* at 231.

³⁸¹ Metanoia comes from the Greek and means a "transformative change of heart," especially a "spiritual conversion." *Metanoia*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/metanoia> [<https://perma.cc/ALV9-Q2WB>].

³⁸² WEBER, *supra* note 375, at 232.

³⁸³ *Id.*

When the political and economic spheres of capitalism collide, room still exists for charisma. When Henry Villard pulled off a coup of the Northern Pacific Railroad by “arrang[ing] the famous ‘blind pool,’” Villard’s “action was an example of grandiose booty-capitalism.”³⁸⁴ In essence, Villard relied upon his reputation, saying to the public, trust me with your money, I am not going to tell you how, but I am going to make you rich. This is not the traditional, rational decision-making of modern markets.

In domestic politics, the U.S. presidential election of 1912 is perhaps the best illustration of how “[o]nly extraordinary conditions can enable charisma to triumph over the organisation.”³⁸⁵

The major candidates in the election were unpopular incumbent President William Howard Taft (Republican Party), former President Theodore Roosevelt (Progressive “Bull Moose Party”/[former Republican Party]) and New Jersey Governor Woodrow Wilson (Democratic Party). Wilson handily defeated Taft and Roosevelt winning 435 of the 531 available electoral votes. Wilson also won 42% of the popular vote, while his nearest challenger, Roosevelt, won just 27%.³⁸⁶

Normally, political rivals agree “amongst themselves . . . to suppress the rise of charismatic leaders who would be independent of the regular party machines.”³⁸⁷ In America, political parties easily castrate charisma, time and again, in presidential primaries because the professional organizations, by virtue of continuity, remain tactically superior to the occasional, emotional hero.³⁸⁸ The presidential election of 1912 was the exception.³⁸⁹

The presidential election of 2016 was almost as aberrational as that of 1912. No one realistically thought Trump would win the primary, and no one even conceived he could win the general election.³⁹⁰ In the primary, the Republican establishment divided itself among relatively moderate candidates until just the true extremes were left. And the most extreme candidate, Trump, thrived in that environment. When the general election pitted the

³⁸⁴ *Id.* at 233.

³⁸⁵ *See id.* at 248.

³⁸⁶ 1912 Electoral Vote Tally, February 12, 1913, NAT’L ARCHIVES, <https://www.archives.gov/legislative/features/1912-election> [<https://perma.cc/USV7-LYZ2>].

³⁸⁷ WEBER, *supra* note 375, at 247.

³⁸⁸ *Id.* at 247–48.

³⁸⁹ *See* 1912 Electoral Vote Tally, February 12, 1913, *supra* note 386.

³⁹⁰ *See, e.g.,* Jane Mayer, *Donald Trump’s Ghostwriter Tells All*, NEW YORKER (July 18, 2016), <https://www.newyorker.com/magazine/2016/07/25/donald-trumps-ghostwriter-tells-all> [perma.cc/CFV2-GJLQ].

Democratic establishment against an abhorrent but charismatically convenient grifter, the motivated voters prevailed over the complacent, resulting in Trump's victory.

Whether or not a charismatic leader breaks through the crowd depends upon "the general character of the [political] party."³⁹¹ If the party is unprincipled and formulates its agenda in an *ad hoc* manner, a newcomer with an impressive personality enjoys a chance.³⁹² If the party preserves its ideology, the newcomer is less likely to win the necessary following.³⁹³ In 2016, Republicans split the field, lost their focus, and let Trump pierce through the usually effective vetting sieve of the primary.

In the beginning of a charismatic leader's reign, personal aides and family members form a pseudo-aristocracy based upon personal loyalty and principles of discipleship.³⁹⁴ Those closest to the leader prosper most, but every follower must at least get their non-material needs met to maintain the charismatic structure.³⁹⁵ In some respects, this inner-circle favoritism is the beginning of the end for charismatic leadership. Pure charisma only survives to benefit the communal interests of the group (i.e., communism).³⁹⁶ From the collective passion for the mission, to the slow suffocating weight of the followers' material concerns, the charismatic structure soon finds itself on the road to extinction.³⁹⁷ "The continued existence of charismatic authority is, by its very nature, characteristically *unstable*"³⁹⁸ The charismatic leader retains his power only so long as his followers prosper.³⁹⁹ "The turning-point always comes" when preferred followers move from companions at the leader's dinner table to making a "living out of the charismatic movement."⁴⁰⁰ "[C]harisma is fated to decline as permanent institutional structures increasingly develop" or the leader dies before a new tradition of succession has been established.⁴⁰¹

³⁹¹ WEBER, *supra* note 375, at 248.

³⁹² *Id.*

³⁹³ *Id.*

³⁹⁴ *Id.* at 234.

³⁹⁵ *Id.*

³⁹⁶ *Id.* at 235.

³⁹⁷ *Id.* at 235–36.

³⁹⁸ *Id.* at 229.

³⁹⁹ *Id.*

⁴⁰⁰ *Id.* at 236.

⁴⁰¹ *Id.* at 239, 248.

Early in his presidency, Trump appointed his daughter, Ivanka Trump,⁴⁰² and son-in-law, Jared C. Kushner,⁴⁰³ as presidential advisors, forming essentially a pseudo-aristocracy based upon their familial loyalty and discipleship.⁴⁰⁴ While approving Trump's appointment, Counsel to the President opined Trump could appoint relatives to the White House Office despite the apparent nepotism.⁴⁰⁵ In doing so, counsel rejected previous opinions finding a president could not appoint relatives.⁴⁰⁶

Trump was looking forward to hearing from his cabinet at their first meeting in the summer of 2017.⁴⁰⁷ There, most members effusively fawned over Trump, starting with Vice President Mike Pence. Pence remarked: “[J]ust the greatest privilege of my life to serve as Vice President to a President who is keeping his word to the American people”⁴⁰⁸ Attorney General Jeff Sessions stated: “[I]t’s an honor to be able to serve you”⁴⁰⁹ Secretary of Labor Alex Acosta stated: “I am privileged to be here, deeply honored. And I want to thank you for keeping your commitment to the American workers.”⁴¹⁰ Secretary of Energy Rick Perry mentioned: “Mr. President, [I am] honored to be on the team.”⁴¹¹ Office of Management and Budget Director Mick Mulvaney professed: “[W]ith your direction, we were able to . . . focus on the forgotten man and woman”⁴¹² Secretary of Health and Human Services Tom Price said: “I can’t thank you enough for the privilege that you’ve given me and the leadership that you’ve shown.”⁴¹³ Secretary of the Interior Ryan Zinke said: “[I]t’s an honor to be your steward”⁴¹⁴ Chief of Staff Reince Priebus declared: “On behalf of the entire senior staff

⁴⁰² *Ivanka Trump*, WHITE HOUSE, <https://trumpwhitehouse.archives.gov/people/ivanka-trump/> [perma.cc/T9W9-QHPW].

⁴⁰³ WHITE HOUSE OFF., EXEC. OFF. OF THE PRESIDENT, ANNUAL REPORT TO CONGRESS ON WHITE HOUSE OFFICE PERSONNEL 10 (June 28, 2019), <https://trumpwhitehouse.archives.gov/wp-content/uploads/2019/06/July-1-2019-Report-FINAL.pdf> [perma.cc/7C4H-23CX].

⁴⁰⁴ See WEBER, *supra* note 375, at 234.

⁴⁰⁵ Application of the Anti-Nepotism Statute to a Presidential Appointment in the White House Office, 41 Op. O.L.C. 49, 52–57 (2017).

⁴⁰⁶ *Id.* at 58–62.

⁴⁰⁷ REMARKS DURING A CABINET MEETING, ADMIN. OF DONALD J. TRUMP 3 (June 12, 2017), <https://www.govinfo.gov/content/pkg/DCPD-201700544/pdf/DCPD-201700544.pdf> [perma.cc/2QVL-8VFM].

⁴⁰⁸ *Id.* at 4.

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

⁴¹¹ *Id.*

⁴¹² *Id.* at 5.

⁴¹³ *Id.*

⁴¹⁴ *Id.*

around you, Mr. President, we thank you for the opportunity and the blessing that you've given us to serve your agenda and the American people."⁴¹⁵ Director of Central Intelligence Mike Pompeo said: "Mr. President, it's an honor to serve as your CIA Director."⁴¹⁶ Secretary of the Treasury Stephen Mnuchin said: "Thank you, Mr. President. It was a great honor"⁴¹⁷

None of these cabinet members shared any attributes of the typical Trump voter who wanted the swamp drained of insiders. In fact, they were all insiders, coming from high status roles in politics and commerce.⁴¹⁸ Nevertheless, the cabinet members understood their power came from Trump, and it would continue only so long as people believed Trump was their prosperity messiah. In essence, the cabinet members broke bread at Trump's dinner table so they could continue feasting on his movement after returning to the private sector.

VIII. THE PROSPERITY GOSPEL HELPS TURN TRUMP'S PERSONALITY CULT INTO A CARGO CULT

MAGA is the secular version of the "prosperity gospel."⁴¹⁹ The prosperity gospel "teaches that God blesses those God favors most with material wealth."⁴²⁰ An early adopter, Norman Vincent Peale, "made religious belief a cornerstone to wealth and prosperity."⁴²¹ "After decades of attending Peale's services, Trump named Peale . . . among his strongest influences."⁴²² Before taking office, Trump continually reiterated Christianity was under siege, and he vowed to protect it.⁴²³ Trump also espoused the same view as Peale: religion is the path to success and affluence.⁴²⁴

⁴¹⁵ *Id.* at 7.

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ *See id.* at 1.

⁴¹⁹ *See* Cathleen Falsani, *The Worst Ideas of the Decade: The Prosperity Gospel*, WASH. POST, <https://www.washingtonpost.com/wp-srv/special/opinions/outlook/worst-ideas/prosperity-gospel.html> [<https://perma.cc/LU26-WJGE>].

⁴²⁰ *Id.*

⁴²¹ Christopher Lane, *The Success Gospel of Norman Vincent Peale and Donald Trump*, YALE U. PRESS (Nov. 23, 2016), <https://yalebooks.yale.edu/2016/11/23/the-success-gospel-of-norman-vincent-peale-and-donald-trump/> [<https://perma.cc/AD4Z-BGDK>].

⁴²² *Id.*

⁴²³ *Id.*

⁴²⁴ *Id.*

Cargo cults⁴²⁵ believe prosperity will come at the millennium.⁴²⁶ These cults “originated in the wake of Western colonization and, more often than not, involved a strong concern with the acquisition of Western goods—the cargo.”⁴²⁷ “[T]he hardship experienced by the dispossessed and marginalized . . . turned the flames of religious imagination into the burning heat that motivated political agitation and even violent social upheavals that threatened the established order.”⁴²⁸ “Most contemporary cargo cults have accepted the existing political order and have been institutionalized as associations, sects, or churches. They still wait for a millennium to come and perform rituals to bring it on, but in a subdued, non-revolutionary way.”⁴²⁹ Some view these cults as a “political-religious movement,” reacting or adjusting to “rapid cultural change” in a historic era.⁴³⁰ Although many are becoming less materialistic and more transcendental, “[t]heir persistence is rooted in . . . an indeterminate and infirm structuring of society without well-defined moral authority and leadership.”⁴³¹

At this point, you might be seeing the attributes of cargo cult members in the staunch MAGA members or, if you are an anthropologist, you might be thinking cargo cults are usually found in Melanesia.⁴³² Both viewpoints are correct. Many of the staunch MAGA members felt dispossessed and marginalized and seek greater prosperity, and cargo cults are traditionally found in Melanesia.⁴³³ However, after seriously considering “[a] key insight from the so-called New Melanesian Ethnography,”⁴³⁴ the similarity between the staunch MAGA members and the cargo cult members is startling.

⁴²⁵ Use of the term “cargo cult” may be culturally insensitive or pejorative when applied to those colonized. However, this Article uses the term to describe a political movement in the U.S., not an indigenous population.

⁴²⁶ “[T]he thousand years mentioned in Revelation . . . 20 during which holiness is to prevail and Christ is to reign on earth.” *Millennium*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/millennium> [<https://perma.cc/X5XA-LBX5>].

⁴²⁷ Ton Otto, *What Happened to Cargo Cults? Material Religions in Melanesia and the West*, 53 SOC. ANALYSIS 82, 82–83 (2009).

⁴²⁸ *Id.* at 83.

⁴²⁹ *Id.*; see also Louise Morauta, *The Politics of Cargo Cults in the Madang Area*, 7 MAN 430, 430–31 (1972).

⁴³⁰ Otto, *supra* note 427, at 84.

⁴³¹ *Id.* at 86.

⁴³² Melanesia refers to “the islands in the Pacific northeast of Australia and south of Micronesia including the Bismarck Archipelago, the Solomons, Vanuatu, New Caledonia, and the Fijis.” *Melanesia*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/Melanesia> [<https://perma.cc/6J7Q-L9W8>].

⁴³³ See Otto, *supra* note 427, at 82–83.

⁴³⁴ *Id.* at 90.

Melanesian personhood revolves around the ability to exchange material and immaterial things, creating a social network where the players are active nodes, a center, through which the exchange of wealth takes place.⁴³⁵ “Melanesian history was defined and driven by an endless cycle of exchange.”⁴³⁶ Now consider how a new infusion of capital occasioned by colonization affects a community. The “[u]ltimate authority is no longer in the hands of [the] villagers.”⁴³⁷

With new access to wealth, the young had the opportunity to establish themselves as central nodes much earlier in life in competition with their elders, who did not accept this trend. This led to an intensified political and moral struggle between those who were interested in preserving the social order and those who wanted to change it. Hindered in their opportunities to sustain and expand their personhood through exchange, both young and old would have experienced feelings of frustration and moral injustice.⁴³⁸

“Cargo cults were a result of Melanesian societies trying to make sense of Western abundance, which they envied, and of Western societies being worried and amused about the Melanesian outbursts of desire to be like them.”⁴³⁹

Despite the differences in “Melanesian and Western material values,” comparisons between cargo cults and aspects of capitalism are warranted.⁴⁴⁰ “[T]he most prominent contemporary business leaders” are entrepreneurs, explorers if you will.⁴⁴¹ Like an explorer, entrepreneurs have a “cargo cult-like mentality” in their pursuit of wealth in territories few have travelled.⁴⁴² “[T]he so-called New Economy is closely knitted with concepts of magic and culture and is driven by a widespread irrational belief in the sudden appearance of great riches.”⁴⁴³ “Clearly, parallels to classic cargo cults abound, also in the ritualized mimicking of the powerful new means of producing wealth.”⁴⁴⁴

We live in an age of “material religions.”⁴⁴⁵ “In late capitalism . . . , the value of material wealth has become dominant and encompasses

⁴³⁵ *Id.*

⁴³⁶ *Id.* at 92.

⁴³⁷ Morauta, *supra* note 429, at 431.

⁴³⁸ Otto, *supra* note 427, at 90–91.

⁴³⁹ *Id.* at 92.

⁴⁴⁰ *Id.* at 95.

⁴⁴¹ *See id.*

⁴⁴² *See id.*

⁴⁴³ *Id.* at 96.

⁴⁴⁴ *Id.*

⁴⁴⁵ *See id.* at 97.

spirituality. Secularization has become the ideological face of modernity.”⁴⁴⁶ In fact, we “sacraliz[e] . . . all aspects of life in the contemporary United States,” predominately in economic terms.⁴⁴⁷ “[I]t is not a big step to acknowledge the religiosity of many modern economic arrangements.”⁴⁴⁸

The United States continues to play a significant role in modern day cargo cults in Melanesia, which includes the “South Pacific nation of Vanuatu.”⁴⁴⁹ There, on the remote island of Tanna, the inhabitants celebrate John Frum Day.⁴⁵⁰ Frum, an American G.I. or navy man who supposedly ran off occupying missionaries and colonials, promised he would bring back goods from America if villagers prayed to him, like “[r]adios, TVs, trucks, boats, watches, iceboxes, medicine, Coca-Cola and many other wonderful things.”⁴⁵¹ Frum also supposedly told Tanna’s people to “stop following the white man’s ways, . . . stop going to church and go back to living as kastom people.”⁴⁵² “Frum has yet to return with his promised cargo because [the island] is dirt poor in consumer goods.”⁴⁵³ “[A]lthough almost all the cargo cults [in Vanuatu] have disappeared . . . , the John Frum movement has endured, based on the worship of an American god no sober man has ever seen.”⁴⁵⁴ Some believe “[h]e’s even more powerful than Jesus.”⁴⁵⁵ From the U.S. military’s perspective, they already tried and failed to convince the villagers that Frum was just a legend.⁴⁵⁶

The symbolism in cargo cults is magic. In one noteworthy example, [A] special areca (betel) nut wrapped in a leaf and tied to a twig had been passed carefully from village to village. The betel nut was known as Elias (the Biblical Elijah). Originally the nut had been picked from a special magical clump of palms and was intended to kill a certain mission worker by its magical power.⁴⁵⁷

⁴⁴⁶ *Id.*

⁴⁴⁷ *Id.* at 96.

⁴⁴⁸ *Id.* at 97.

⁴⁴⁹ See Paul Raffaele, *In John They Trust*, SMITHSONIAN MAG. (Feb. 2006), <https://www.smithsonianmag.com/history/in-john-they-trust-109294882/> [<https://perma.cc/AT6D-B58J>].

⁴⁵⁰ *Id.*

⁴⁵¹ See *id.*

⁴⁵² *Id.* Traditional kastom practices include “dancing, penis wrapping and polygamy.” *Id.*

⁴⁵³ *Id.*

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.*

⁴⁵⁶ See *id.*

⁴⁵⁷ Morauta, *supra* note 429, at 432.

In another example, an ex-Roman Catholic catechist stole some church ornaments, swam into a cave near his father's village, and discovered the secret to financial freedom there.⁴⁵⁸

In the cave he met his ancestors who told him the secret of how to make money, and consequently . . . [he] started up [a] ritual to produce money. People paid him a membership fee Then he disappeared to escape the wrath of those he had cheated and the police who wanted him⁴⁵⁹

Not surprisingly, low economic and education status is positively correlated with membership in cargo cults.⁴⁶⁰ To aid in the conversion process, a cult even offered, for a fee, "lapsed Christians a second baptism to wipe away their first one."⁴⁶¹

Perhaps the staunch MAGA members were feeling left out of this new material religion on January 6th. They viewed the current social order as being in disarray.⁴⁶² Their world had dramatically changed from their own youth (i.e., family, employment, sexuality, etc.). The young and different (e.g., immigrants, transgender people, furries, etc.) were taking over. Naturally, the staunch MAGA members banded together under the leadership of someone who knew their pain—Trump. And Trump's symbolism reflected the staunch MAGA members' desire to return to the past, a time they remember as being better than it actually was.

Trump's cult offers its own magic through seminars and distributes its own books and amulets. In terms of books, two are noteworthy: *The Art of the Deal* and *Surviving at the Top*.⁴⁶³ Although ostensibly authored by Trump, *The Art of the Deal* was ghostwritten by Tony Schwartz.⁴⁶⁴ Charles Leerhsen wrote *Surviving at the Top*.⁴⁶⁵

Trump announced his first presidential candidacy by suggesting *The Art of the Deal's* author should be running.⁴⁶⁶ In response, the book's actual author, Schwartz, tweeted, "Many thanks Donald Trump for suggesting I run for President, based on the fact that I

⁴⁵⁸ See *id.* at 434.

⁴⁵⁹ *Id.*

⁴⁶⁰ See *id.* at 439–41.

⁴⁶¹ *Id.* at 442.

⁴⁶² See DENBEAUX & CRAWLEY, *supra* note 222, at 9.

⁴⁶³ See Mayer, *supra* note 390; Charles Leerhsen, *Trump Ghostwriter Charles Leerhsen Says President Was Bad at Business*, HUFFPOST (May 9, 2019, 7:00 PM), https://www.huffpost.com/entry/donald-trump-ghostwriter-charles-leerhsen_n_5cd4ab7de4b054da4e864aba [perma.cc/NN32-LMWE].

⁴⁶⁴ Mayer, *supra* note 390.

⁴⁶⁵ Leerhsen, *supra* note 463.

⁴⁶⁶ Mayer, *supra* note 390.

wrote “The Art of the Deal.”⁴⁶⁷ A bestseller, *The Art of the Deal* reached number one on the *New York Times*’s Best Seller list and “expanded Trump’s renown far beyond New York City, making him an emblem of the successful tycoon.”⁴⁶⁸ If Schwartz wrote the book today, however, he would call it “The Sociopath.”⁴⁶⁹

Before writing *The Art of the Deal*, Schwartz wrote a magazine article about Trump, portraying “him not as a brilliant mogul but as a ham-fisted thug” and a “fugue of failure, a farce of fumbling and bumbling.”⁴⁷⁰ Nevertheless, “making a Faustian bargain,” Schwartz agreed to write Trump’s autobiography, even suggesting the title, *The Art of the Deal*.⁴⁷¹ Schwartz knew he “was selling out” but needed the money.⁴⁷²

According to Schwartz, Trump “has no attention span.”⁴⁷³ “[L]ike a kindergartner who can’t sit still in a classroom[,]’ . . . ‘it’s impossible to keep him focused on any topic, other than his own self-aggrandizement, for more than a few minutes’”⁴⁷⁴ Unable to get Trump to focus, Schwartz wrote the book by eavesdropping on Trump’s telephone conversations with bankers, lawyers, brokers, and reporters because Trump could not stand his questioning.⁴⁷⁵

Schwartz saw firsthand Trump was a prolific liar.⁴⁷⁶ “Lying is second nature to him.”⁴⁷⁷ “Trump has the ability to convince himself that whatever he is saying at any given moment is true, or sort of true, or at least *ought* to be true.”⁴⁷⁸ “He lie[s] strategically. He ha[s] a complete lack of conscience about it.”⁴⁷⁹ Unconstrained by truth, this gives Trump a “strange advantage,”⁴⁸⁰ and Schwartz gave it an internally contradictory name: “truthful hyperbole.”⁴⁸¹

When Charles Leerhsen was writing *Surviving at the Top*, Trump was busy losing more than \$1 billion.⁴⁸² During this period, Trump

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*

⁴⁶⁹ *Id.*

⁴⁷⁰ *Id.*

⁴⁷¹ *Id.*

⁴⁷² *Id.*

⁴⁷³ *Id.*

⁴⁷⁴ *Id.*

⁴⁷⁵ *Id.*

⁴⁷⁶ *See id.*

⁴⁷⁷ *Id.*

⁴⁷⁸ *Id.*

⁴⁷⁹ *Id.*

⁴⁸⁰ *See id.*

⁴⁸¹ *Id.*

⁴⁸² Leerhsen, *supra* note 463.

seemed bored with the occasional look of anger or queasiness.⁴⁸³ He was “a failing real estate developer who had little idea of what he was doing and less interest in doing it.”⁴⁸⁴ He seemed to spend more time looking at fabric swatches than managing his hotel, casinos, and airline, which were hemorrhaging cash.⁴⁸⁵ Near the book’s completion, Trump’s wife left him, he had to sell his yacht, and bankruptcy was looming.⁴⁸⁶ “Everything was going to hell.”⁴⁸⁷

Trump-affiliated companies are prolific bankruptcy filers.⁴⁸⁸ Six have filed for bankruptcy: The Trump Taj Mahal, 1991; Trump Castle, 1992; Trump Plaza and Casino, 1992; Plaza Hotel, 1992; Trump Hotels and Casinos Resorts, 2004; and Trump Entertainment Resorts, 2009.⁴⁸⁹ Perhaps assuming bankruptcy is not unusual in the business world;⁴⁹⁰ Trump followers matriculated to his namesake university anyway.⁴⁹¹

But Trump University was not really a university.⁴⁹² Trump University had to change its name to The Trump Entrepreneur Initiative LLC because it was never chartered or licensed as a university.⁴⁹³

A chasm exists between what Trump University promised and what it delivered. “Trump [had] personally approved all the ads.”⁴⁹⁴ “Come on America, pull yourself up!” Trump said in one⁴⁹⁵ “I’m

⁴⁸³ *Id.*

⁴⁸⁴ *Id.*

⁴⁸⁵ *Id.*

⁴⁸⁶ *Id.*

⁴⁸⁷ *Id.*

⁴⁸⁸ See Michelle Lee, *Fact Check: Has Trump Declared Bankruptcy Four or Six Times?*, WASH. POST (Sept. 26, 2016, 9:58 PM), <https://www.washingtonpost.com/politics/2016/live-updates/general-election/real-time-fact-checking-and-analysis-of-the-first-presidential-debate/fact-check-has-trump-declared-bankruptcy-four-or-six-times/> [<https://perma.cc/P2FY-5SYV>].

⁴⁸⁹ Linda Qiu, *Yep, Donald Trump’s Companies Have Declared Bankruptcy . . . More than Four Times*, POLITIFACT (June 21, 2016), <https://www.politifact.com/factchecks/2016/jun/21/hillary-clinton/yep-donald-trumps-companies-have-declared-bankrupt/> [<https://perma.cc/N9BL-ETQX>].

⁴⁹⁰ See *id.*

⁴⁹¹ See David A. Fahrenthold, Joshua Partlow & Jonathan O’Connell, *Spin, Deride, Attack: How Trump’s Handling of Trump University Presaged His Presidency*, WASH. POST (July 25, 2020, 8:00 AM), https://www.washingtonpost.com/politics/spin-deride-attack-how-trumps-handling-of-trump-university-presaged-his-presidency/2020/07/24/7d3a327a-bfb8-11ea-9fdd-b7ac6b051dc8_story.html [<https://perma.cc/VGJ9-YGZN>].

⁴⁹² See William D. Cohan, *Big Hair on Campus*, VANITY FAIR (Dec. 3, 2013), <https://www.vanityfair.com/news/2014/01/trump-university-fraud-scandal> [<https://perma.cc/TF8U-ARYM>].

⁴⁹³ *Id.*

⁴⁹⁴ Fahrenthold et al., *supra* note 491.

⁴⁹⁵ *Id.*

ready to teach you”⁴⁹⁶ “I can turn anyone into a successful real estate investor, including you.”⁴⁹⁷

Unfortunately, “[Trump University] could not deliver on the enriching real estate secrets it promised.”⁴⁹⁸ The instruction “was nothing more than an up-sell, [one former instructor] said, laden with false promises.”⁴⁹⁹ “[F]ormer managers . . . portray it as an unscrupulous business that relied on high-pressure sales tactics, employed unqualified instructors, made deceptive claims and exploited vulnerable students”⁵⁰⁰ Another salesperson said, “‘I was told to do one thing’ as a Trump University instructor: ‘Make sure everybody bought’ more Trump University seminars. ‘That [was] it.’”⁵⁰¹

“Trump University attracted more than 5,000 paying customers . . . and took in more than \$42 million in revenue.”⁵⁰² “Some students had paid up to \$35,000 on ‘elite’ memberships . . . and said they were encouraged to max out credit cards to pay for the instruction.”⁵⁰³ The tactics were predatory.⁵⁰⁴ That money bought students no more than “rudimentary knowledge of real estate, basic lessons they could learn anywhere.”⁵⁰⁵ Students could get a picture with a Trump cutout but “very, very little else.”⁵⁰⁶

One state concluded the company had engaged “in false, misleading and deceptive practices.”⁵⁰⁷ And, after years of litigation, Trump University eventually paid \$25 million to settle three lawsuits in 2016, after Trump’s election.⁵⁰⁸

⁴⁹⁶ *Id.*

⁴⁹⁷ Cohan, *supra* note 492.

⁴⁹⁸ Fahrenthold et al., *supra* note 491.

⁴⁹⁹ *Id.*

⁵⁰⁰ Michael Barbaro & Steve Eder, *Former Trump University Workers Call the School a ‘Lie’ and a ‘Scheme’ in Testimony*, N.Y. TIMES (May 31, 2016), <https://www.nytimes.com/2016/06/01/us/politics/donald-trump-university.html> [https://perma.cc/YY89-4G7T].

⁵⁰¹ Fahrenthold et al., *supra* note 491.

⁵⁰² *Id.*

⁵⁰³ Kristina Davis, *Donald Trump Agrees to \$25-Million Settlement in Lawsuits Against Trump University*, L.A. TIMES (Nov. 18, 2016, 8:00 PM), <https://www.latimes.com/politics/la-me-trump-university-20161118-story.html> [https://perma.cc/2FCC-QNUW]; see also Tina Nguyen, *Former Trump University Employees Say School “Preyed” on Vulnerable Students*, VANITY FAIR (June 1, 2016), <https://www.vanityfair.com/news/2016/06/trump-university-lawsuit-testimony> [https://perma.cc/YT3W-4JNX].

⁵⁰⁴ Nguyen, *supra* note 503.

⁵⁰⁵ Fahrenthold et al., *supra* note 491.

⁵⁰⁶ Cohan, *supra* note 492.

⁵⁰⁷ Fahrenthold et al., *supra* note 491.

⁵⁰⁸ Davis, *supra* note 503.

Don't forget the amulets. Trump marketed "superhero-style digital trading cards with cartoonish images of him[self] at \$99 apiece."⁵⁰⁹ These "NFTs^[510] include[d] images of the former president as a playing-card king-of-hearts, carrying a sword and signaling a heart sign with his hands, as well as a rock-and-roll Trump in a full-leather suit and sunglasses, and one of him grilling hot dogs and hamburgers with American flag pins."⁵¹¹ "One of the NFTs feature[d] Mr[.] Trump in the likeness of George Washington."⁵¹² The first issue of cards generated \$4.4 million in revenue.⁵¹³ The second issue generated \$4.6 million.⁵¹⁴ Within twenty-four hours of the second issuance, the value of the cards plummeted by about 40%.⁵¹⁵ More is at stake than the \$9 million wasted on trading cards.

IX. WHERE DO WE GO FROM HERE?

"Without a widespread commitment to participation in political life, democratic action would be impossible."⁵¹⁶ Trump got people interested in politics who may have never voted. Normally a good thing for democracy, this unexpected participation caused disequilibrium in a long-term stasis dominated by the two major political parties, what some would call the establishment.

"Most of us want to believe in something bigger than ourselves and to create a better world for our children: in short, to make a difference. We still have a need to believe in politics."⁵¹⁷ MAGA members would undoubtedly agree with these universal beliefs, and they are part of our *us*. Unfortunately, the rapid political change culminating in Trump's election was not something society took well.

⁵⁰⁹ Brian Bushard, *Trump Releases Digital Trading Cards—Again—After First Batch of NFTs Sells Out in One Day and Raises Eyebrows*, FORBES (Apr. 18, 2023, 3:34 PM), <https://www.forbes.com/sites/brianbushard/2023/04/18/trump-releases-digital-trading-cards-again-after-first-batch-of-nfts-sells-out-in-one-day-and-raises-eyebrows/?sh=3c2873bf1533> [https://perma.cc/P55U-X6YE].

⁵¹⁰ NFTs stands for non-fungible tokens, which are digital assets. Robyn Conti, *What Is an NFT? Non-Fungible Tokens Explained*, FORBES (May 10, 2024, 3:41 PM), <https://www.forbes.com/advisor/investing/cryptocurrency/nft-non-fungible-token/> [https://perma.cc/NKC7-T4MC].

⁵¹¹ Bushard, *supra* note 509.

⁵¹² Ariana Baio, *Trump Boasts About Making \$4.6m from NFT Cards that Actually Plummeted in Value*, INDEP. (Apr. 19, 2023), <https://www.independent.co.uk/news/world/americas/us-politics/donald-trump-trading-cards-nft-b2322583.html> [https://perma.cc/K9LP-2ZVZ].

⁵¹³ Bushard, *supra* note 509.

⁵¹⁴ Baio, *supra* note 512.

⁵¹⁵ *See id.*

⁵¹⁶ DENNIS TOURISH & TIM WOHLFORTH, *ON THE EDGE: POLITICAL CULTS RIGHT AND LEFT* xi (2000).

⁵¹⁷ *Id.*

Two camps emerged—us and them—and no one dared find fault with their own. Dissension was prohibited. Strict adherence to dogma was demanded.

Those sharing the views of MAGA members are only half the problem. The other half is the opposing viewpoint. “[P]olitics at the edge has been colonized by extremist sects of the left and right.”⁵¹⁸ They “share a common belief that the world economic and political system is on the verge of collapse.”⁵¹⁹ “Each and every social problem is exaggerated and is taken as proof that [each political] cult’s doomsday scenario is about to be played out in full.”⁵²⁰ The message is clear: one’s enemies must be defeated to ensure self-preservation.

MAGA members can offer keen insights to help preserve our democratic republic. MAGA members were susceptible to political misinformation, and they are the best source of information about how that occurred. As one sentencing judge lamented, “[T]he idea that people who have otherwise led modest and humble lives, who have not been political agitators, political activists, are now facing serious jail time is extraordinary.”⁵²¹ Still a vulnerable population worthy of our respect,⁵²² they are also a potentially cooperative audience while in the custody of the Federal Bureau of Prisons (BOP). Through the BOP, they are easy to find,⁵²³ with many ways to communicate.⁵²⁴ They might be willing to share their thoughts if asked.⁵²⁵

Regarding what led to their actions on January 6th, topics of inquiry should include their beliefs on that date regarding the status of world peace, the nation’s international standing, global conflict, and their own economic stability.⁵²⁶ Moreover, inquiries should be

⁵¹⁸ *Id.* at xiv.

⁵¹⁹ *Id.* at 82.

⁵²⁰ *Id.* at xiv.

⁵²¹ Defendant’s Memorandum in Aid of Sentencing at 34, *United States v. Allan*, No. 21-cr-00064 (D.D.C. Dec. 1, 2022).

⁵²² Referenced as the Common Rule, the federal regulations administered by the Office for Human Research Protections govern behavioral research concerning prisoners. *See* 45 C.F.R. § 46.301 (2025).

⁵²³ *See Find an Inmate*, FED. BUREAU OF PRISONS, <https://www.bop.gov/inmateloc/> [<https://perma.cc/5PCP-GFTW>].

⁵²⁴ *See Stay in Touch*, FED. BUREAU OF PRISONS, <https://www.bop.gov/inmates/communications.jsp> [<https://perma.cc/7G9Z-738G>].

⁵²⁵ This Article was prepared before President Trump pardoned January 6th riot participants during his second term. *See Granting Pardons and Commutation of Sentences for Certain Offenses Relating to the Events at or Near the United States Capitol on January 6, 2021*, WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/granting-pardons-and-commutation-of-sentences-for-certain-offenses-relating-to-the-events-at-or-near-the-united-states-capitol-on-january-6-2021/> [<https://perma.cc/5BLS-Q8R3>].

⁵²⁶ *See* discussion *supra* Section III.

made concerning who accompanied the MAGA members to the Capitol, their relationships with each other, and the effect those relationships had on their actions.⁵²⁷

Building upon research associated with election denialism, topics to explore with MAGA members include their views on Christian nationalism; born-again status; prayer frequency; church attendance; belief in the supernatural; belief in angels, the devil, and ghosts; conspiracy theories; belief in a global cabal; racial resentment; vaccine hesitancy; climate change; distrust of experts; and anti-intellectualism.⁵²⁸

Considering the indoctrination process associated with cults, topics to broach would include psychiatric and addictive disorders; anxiety and mood maladies; familial and social support; employment and skill competencies; housing security; access to necessities for survival; and aberrant experiences, particularly childhood abuse, neglect, and trauma; stresses in the year before January 6th; and immigration status.⁵²⁹

A good starting point for formulating the indoctrination queries would be the Group Psychological Abuse scale (GPA), the Psychological Abuse Experienced in Groups Scale (PAEGS), the Individual Cult Experience index (ICE), and the Across Groups Psychological Abuse and Control scale (AGPAC).⁵³⁰ As adapted for MAGA members, one should consider any social isolation, access to misinformation, control over personal life, emotional abuse, belief systems, and any authority figures.⁵³¹

Past military service could have affected MAGA members' propensity for indoctrination as well. Veterans usually "identi[fy] as a soldier, sailor, airman, marine, or guardian," theoretically making them resilient against radicalization.⁵³² However, their military experience has already made them into someone ready "to ethically kill an enemy."⁵³³ That model softened them up and rebuilt them into

⁵²⁷ See discussion *supra* Section III.

⁵²⁸ See Charles Stewart III, *Public Opinion Roots of Election Denialism* 3–6, 15–17 (Jan. 4, 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4318153 [<https://perma.cc/6G9C-B2RX>].

⁵²⁹ See discussion *supra* Section II.

⁵³⁰ See Omar Saldaña, Álvaro Rodríguez-Carballeira, Carmen Almendros & Jordi Escartín, *Development and Validation of the Psychological Abuse Experienced in Groups Scale*, 9 EUR. J. PSYCH. APPLIED LEGAL CONTEXT 57, 58–59 (2017) [hereinafter Saldaña I]; see also Omar Saldaña, Álvaro Rodríguez-Carballeira, Carmen Almendros & Kimiaki Nishida, *Psychological Abuse Experienced in Groups Scale: Psychometric Properties of the Japanese Version*, 60 JAPANESE PSYCH. RSCH. 13, 14–15 (2018).

⁵³¹ Saldaña I, *supra* note 530, at 58.

⁵³² See LEVINE ET AL., *supra* note 248, at 106.

⁵³³ *Id.* at 108.

a warrior with an allegiance to the military’s mission and values.⁵³⁴ When a commander-in-chief gives an order to stop a stolen election, no one should be surprised when his veteran soldiers act accordingly, confusing their allegiance to their country with their duty to follow orders. We need to know what caused the confusion.

One might find difficulty differentiating “between ‘normal’ political parties” and groups that have become political cults.⁵³⁵ “Not every cult takes up arms against the state. Many are content to live in obscurity, chanting their mantras”⁵³⁶ However, MAGA members did more than chant on January 6th.⁵³⁷ Under these circumstances, the most effective weapon against future uprisings is a more “educated civil society. The stronger the fabric of such a society, the less vulnerable we will all be to cultic manipulation and abuse.”⁵³⁸ That educational process starts with understanding.

⁵³⁴ See *id.* at 108–09, 108 n.253.

⁵³⁵ TOURISH & WOHLFORTH, *supra* note 516, at 4.

⁵³⁶ *Id.* at 205.

⁵³⁷ See DENBEAUX & CRAWLEY, *supra* note 222, at 27–30, 44–45.

⁵³⁸ TOURISH & WOHLFORTH, *supra* note 516, at 222.