

Cults:

A Conflict Between Religious Liberty and Involuntary Servitude?

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On a busy street in a midwestern metropolitan area, businesses are about to open for the day. One employee arrives in the alley behind a local shop. Before he is able to get out of the car, the passenger's door is jerked open and he is hauled unceremoniously out of the car by two men. A third man opens the driver's door, and ignoring the driver, reaches in, pulls the keys out of the ignition, and throws them down the alley among boxes and barrels of trash. The passenger is muscled into one of two waiting cars. Resistance is easily overcome. He is spirited away, taken against his will across many State lines to a retreat in the mountains of an eastern State. He is kept there for weeks in seclusion.

A few months later, a college student home for the holidays is forcibly kidnaped by four people who conceal themselves in the family garage. Eventually, he too is transported across State lines, handcuffed to one of his abductors. He is slapped and kicked by the people who hold him. His every

attempt to escape is thwarted by his abductors. He is moved from place to place to avoid detection. On one such move, the kidnapers make a mistake. They commit a simple traffic violation. While stopped by local police, the police discover the victim and he is freed. To return to his home and family? No! His parents believe they will never see him again!

Both of these incidents are actual cases which occurred within 3 months and 10 miles of each other. In the first case, the abductors kept the victim until they were finished with him and his family rejoiced. The second abduction was interrupted by the police. His family believes this interruption was a tragedy. Both victims, members of religious cults, were kidnaped for "deprogramming." The first victim was reunited with his family; the second rejoined his cult.

This article explores some of the legal problems confronting law enforcement in dealing with cults. Part I discusses freedom of religion, found in

the first amendment to the U.S. Constitution; part II centers on the manner in which some cult members impose their will on impressionable youths; and part III focuses on the parents and deprogramers who attempt to rescue cult members and return them to their families. Underlying these discussions are the difficulties facing law enforcement in investigating and prosecuting cult members or deprogramers.

Defining Cult and Religion

There are hundreds of recognized religions throughout the United States. Most are organizations of people bound together by a common belief in a deity and protected from governmental infringement of their religious belief by the first amendment to the U.S. Constitution.¹ Indeed the desire for freedom of religion was one of the reasons for the founding of the United States and one of the basic reasons the colonies originally balked at ratification of the Constitution until the Bill of Rights was added.



Religious organizations are formed for the spiritual benefit of the entire membership. Other organizations have adopted a religious designation in order to fall under the protection of the first amendment, but are actually formed for the benefit of one person or a small group of people which are known as cults. The dictionary defines cult as a system of belief characterized



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by "great or excessive devotion or dedication to some person, idea or thing." ² Estimates of total U.S. membership in cults vary from 3 million to 8 million people belonging to over 3,000 groups ranging in size from 2 or 3 members headed by a guru to several hundred thousand. ³

The law has attempted to distinguish between cults and more conventional spiritual organizations by defining exactly what is meant by the term "religion." In 1890, the U.S. Supreme Court upheld a statute of the territorial legislative body of Idaho, which forbade bigamists or polygamists from voting and required an oath by every voter that he was not a member of an order that taught, counseled, or encouraged the commission of bigamy or polygamy. In discussing their decision, the Court defined the term "religion" as ". . . having reference to one's view of his relation to his Creator . . ." and clearly distinguished it from worship by a particular sect. "It is often confounded with the cultus or form of worship of a particular sect, but is distinguishable from the latter." ⁴

The Court went on to say:

"With man's relations to his maker and the obligations he may think they impose, and the manner in which an expression shall be made by him of his belief on those subjects, *no interference can be permitted*, provided always the laws of society, designed to secure its peace and prosperity and the morals of its people, are not interfered with." ⁵ (emphasis added)

Subsequent cases focused on defining religion in a more precise manner. In 1931, Chief Justice Hughes stated: "The essence of religion is belief in a relation to God involving duties superior to those arising from any human relation." ⁶

With the onset of World War II and the Korean and Vietnam Wars, the definition of religion came under greater scrutiny because of the increase in conscientious objector resistance to military service. The passage of the Universal Military and Service Act, as amended in 1948, revealed a substitution of the phrase "Supreme Being" for "God" in Hughes' definition. ⁷

The Supreme Court discussed this refinement in a series of cases defining religion for conscientious objector status. ⁸ Justice Clark said the test of belief is "whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God." ⁹ This definition excluded religious belief based merely on a personal moral code. The Court pointed out that while in these cases the validity of what a party believed could not be questioned, the question of whether the belief was "truly" held was subject to inquiry. It is clear that such a broad definition would include the majority of cults. However, while the Court gave a broad definition of religion (but not including a personal moral code) and decided such belief could not be questioned, the sincerity of the professed believer may be questioned through examination of his action in connection with those beliefs. ¹⁰

This distinction between religious belief and action becomes more important when we examine the first amendment and the free exercise of religion,

“. . . the freedom to believe is protected absolutely, while the freedom to act upon religious motives is not free from Government interference when there is a compelling State interest.”

particularly in light of the fact that the substantive rights interpretation of the Due Process Clause of the 14th amendment opened the way for recognition of religious liberty as a Federal right protected against State interference.¹¹

Religious Freedom under the First Amendment

Basically, the Freedom of Religion Clause of the first amendment has two provisions. First, Congress may not establish a religion, and second, Congress may not prohibit the free exercise of religion.¹²

In the words of Thomas Jefferson, the clause against the establishment of religion is said to provide a “wall of separation between church and state.”¹³ Subsequent Supreme Court decisions have upheld this view. As a result, the Government is prohibited from establishing a religion or interfering with a religion,¹⁴ from spending money in aid of religious activities or institution,¹⁵ from requiring a belief in God as a test of public office,¹⁶ and from endorsing any form of governmental advancement or inhibition of religion.¹⁷

While the establishment clause focuses on the purpose and primary effect of legislation barring either Government advancement or inhibition of religion, the Free Exercise Clause protects the religious liberty of the individual against interference by the State.¹⁸

This free exercise of religion protected by the first amendment is not an absolute guarantee. For example, the framers of the Constitution did not intend to protect cults advocating the necessity of human sacrifices.¹⁹ Moreover, when clear and present danger of

riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order appears, even the exercise of religion may be at some slight inconvenience in order that the State may protect its citizens from injury.²⁰

Thus, the freedom to act, even where religiously motivated, is not entirely free from restriction.²¹ When confronted with religiously motivated conduct, the courts use a balancing analysis in which the interest of the religious group is weighed against the State's interest in prohibiting activity harmful to individuals or institutions.²² Courts have afforded a lesser standard of protection to a religious group when the underlying belief was found to be insincere or only incidentally religious or when the religious activity involves fraud or deception.²³

An interesting criminal case which illustrates court efforts to balance these conflicting interests is *United States v. Ballard*.²⁴ In *Ballard*, the defendant was accused of fraudulently using the mails to solicit funds for his system of religious belief. In affirming his conviction for using and conspiring to use the mails to defraud, the Supreme Court agreed with the district court's decision to withhold from the jury any questions relating to the truth or falsity of the beliefs, since the first amendment forbade inquiry into such matters.

Such cases illustrate that the freedom to believe is protected absolutely, while the freedom to act upon religious motives is not free from Government interference when there is a compelling State interest. The rationale is that religious belief alone poses no great threat to the rights of others, but when those beliefs are translated into action which obstructs the rights of others, the State may interfere.

The problem arises that almost any public act motivated by religious belief can be labeled “action” and ordinary State interference could unduly restrict religious activities. In 1963, the Supreme Court attempted to resolve this problem in the case of *Sherbert v. Verner*.²⁵ In *Sherbert*, a member of the Seventh-day Adventist Church had been fired from her job because of refusing to work on Saturday, the Church's Sabbath. Unable to find other employment that did not require Saturday work, she filed for unemployment compensation. The South Carolina courts affirmed a decision of a State agency which turned down her unemployment claim because she “failed to accept without good cause, available suitable work offered her by her employer.”²⁶

When this case reached the U.S. Supreme Court, Justice Brennan, speaking for the majority, pointed out that the sincerity of the religious belief was not questioned²⁷ and that the State interfered with the practice of her religion by forcing her:

“. . . to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work on the other hand.”²⁸

Justice Brennan then sought some compelling State interest which justified the infringement on free exercise of religion by South Carolina's statute. He observed: “Only the gravest abuses, endangering paramount interests, give occasions for permissible limitation [on first amendment rights].”²⁹

“. . . since religious beliefs alone pose no threat to the rights of others, there can be no State interference with these rights.”

In *Sherbert*, he found no such grave abuse. Thus, the Free Exercise Clause required the State to afford substantial deference to the religiously motivated.

Case law after *Sherbert*³⁰ defines a three-pronged test to determine the constitutionality of State interference with the actions of the religiously motivated. The following factors will be considered:

- 1) Is there a sincere religious interest?
- 2) Is there State interference with the religion?
- 3) Is there a State interest which may justify such interference?

These problems were addressed in *Wisconsin v. Yoder*,³¹ when the question before the Court was whether a State, under its compulsory school attendance law, may punish members of religious sects whose doctrines forbid conventional postelementary school education. Chief Justice Burger examined at length the fundamental belief of the Amish faith and found a sincerely held religious belief. After determining that there was State interference through Wisconsin's statute of compulsory formal education after the eighth grade, the court concluded that there was no State interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause. Therefore, the State under its compulsory school attendance law could not punish members of the Old Order Amish and Conservative Amish Mennonites community for adhering to its dogma forbidding conventional postelementary school education.³²

As a result of the above, since religious beliefs alone pose no threat to the rights of others, there can be no State interference with these rights. However, when such beliefs are translated into action, the sincerity of those beliefs, whether the activity is harmful to individuals or whether the activity involves fraud or deception, may be scrutinized by the State and limited constitutionally. Ultimately, the question of where freedom of religion begins and ends with respect to cults can only be answered by examining cult activity with these factors in mind. This will be the focus of part II of this article.

Cult Activities and Public Reaction

As our society has grown more complex and competitive, many young people have sought refuge in the use of psychedelic drugs and in the pursuit of unorthodox ideology. This phenomenon has helped to encourage the growth of various cult groups all over the country. These groups claim to have the answer to the world's problems and to offer an escape mechanism from our "inhumane," "materialistic" society. People who join these groups no longer have to wonder what to do in life or explain why they are not doing well. Some cult members can rise to positions of considerable power, living in luxury, while exercising great authority over new members. However, many excult members, writers, and reporters have discovered disturbing characteristics common to many of these cults.³³ Among these characteristics are:

- 1) An authoritarian, charismatic leader who claims to have an exclusive revelation about God or reality. He exerts complete authority over the cult, requiring unquestioning obedience by his followers to his strict rules. Many

such edicts have resulted in harm to his followers and society.

- 2) The leader becomes a substitute parent, creating a family or communal living arrangement by establishing a controlled environment through a variety of behavior-control techniques. These techniques purposely destroy old family ties and social norms by placing the new cult member in a setting isolated from family and friends, under constant cult supervision and peer pressure.
- 3) New members are recruited primarily from the young, intelligent, affluent, and idealistic. Often, the recruitment process is deceptive and focuses on troubled youths by indoctrination into cult thinking by cult members. This process begins with the establishment of interpersonal bonds and ends with the systematic destruction of the recruit's original identity.

Some have argued that these characteristics are not unique to cults, but are often found in strictly organized religions or military schools. There are important differences, however. In cults, the loyalty of cult members is to their individual leader, not to a religious institutional philosophy. Such loyalty often leads the cult to believe it is above the law. Moreover, there is considerable evidence that many cults do not confine their activities to ordinary religious pursuits, emphasizing recruitment of other members and solicitation of money rather than prayer. Finally, some cults are reportedly using mind-control techniques to keep their members in line.

CULT LEADERSHIP

Questions have been raised about cult leaders and the propriety of their methods even before 900 members of the Jonestown cult committed suicide or murder in Guyana. The most controversial methods of their rule generally

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fall into the following areas:

- 1) Rule by coercion and exploitation of guilt feeling;
- 2) Limitations on freedom of expression, rigorous work schedule, and strict diet;
- 3) Violation of laws and propensity toward violence.

Rule by Coercion and Guilt

In 1976, the Vermont Senate Committee for the Investigation of Alleged, Deceptive, Fraudulent and Criminal Practices of Various Organizations in the State heard the testimony of a number of psychologists and psychiatrists regarding mental impairment of cult members. Such expert testimony characterized the cult members' indoctrination as a forced rejection of the past and an intense concentration on the present in supernatural terms.³⁴ It was revealed that reality for the cult member consisted of a struggle between good and evil with dependence on the peer group within the cult for support.³⁵

Testimony also revealed that cult leaders would warn the members that if they left the cult, God would punish them or they would be killed within the year. One former member testified that she was told that if she notified her parents or left the cult, she would doom her parents, brothers, and sisters to hell.³⁶

A similar inquiry was made by the attorney general of New York. He ordered an 18-month investigation of the Children of God in response to parental complaints of coercion by that sect upon their children. This inquiry revealed an indoctrination process similar to that disclosed in the Vermont investigation.

Both inquiries determined that cult leaders implant in the cult member's mind a preoccupation with the supernatural and indoctrinate the member with the consequences of breaking from the cult. This has driven some cult

members to irrational behavior. Residents of Dutchess County, N.Y., site of Reverend Sun Myung Moon's Unification Church training centers, have noted many cult members with psychotic disorders and many who have attempted suicide, one of which was successful, being admitted for treatment in local hospitals.³⁷

Other lawsuits have shed further light on cult coercion. A successful malicious prosecution case involving the Church of Scientology of California is revealing.³⁸ In this case, a member resigned from the church without obtaining permission and took with him financial statements from the church safe and turned them over to the IRS. Church leaders then made a complaint to the police that he had stolen funds from the safe. At trial, the plaintiff introduced an exhibit reflecting the written policy directives of L. Ron Hubbard, founder of the Church of Scientology. Hubbard's policy (to be enforced against "enemies" or "suppressive persons" of the church) stated that such persons "may be deprived of property or injured by any means by any Scientologist. . . ." (Methods approved were trickery, lawsuits, or lies.) In awarding \$50,000 in compensatory damages and \$50,000 in punitive damages to the plaintiff, the court found that the church had a policy of "lying and cheating in order to attack its 'enemies'."³⁹

Economic motivation is likely to be behind the coercive practices of some cult leaders. Aside from turning in all material wealth in their possession when they join the cult, members are forced to solicit donations, recruit other members, and perform menial jobs below their capabilities for long hours. If their efforts fail to meet their quotas, they must spend their evenings in prayer.⁴⁰ Money quotas are not small; "Moonies" average \$50 to \$200 a day.⁴¹ The fact that cult leaders live in

luxury while cult members work as many as 12 hours a day does not seem to deter the members from solicitation. Since the cult is legally a religion, all income is tax free.⁴²

In *Schupp v. Unification Church*,⁴³ parents of a cult member in the Unification Church alleged that their daughter was forced to work in "compulsory service." The parents alleged that the cult leadership used constant threats and fear to coerce their daughter to sell merchandise for the cult. The suit failed, however, because the parents could only allege mental restraint, not physical force, on the part of the cult to compel the member to stay within the cult.

Limitations on Freedom, Strict Diet, and Regimentation

Cult leaders place such limitations on language, thought, and experience that the decisionmaking ability of cult members is reduced to the level that their behavior becomes childlike.⁴⁴ Studies of cult members by psychologists and psychiatrists reveal detrimental changes in voice patterns, posture, reading, arithmetic skills, and handwriting.⁴⁵ Former scholastic achievers in college reportedly wrote letters of childlike simplicity to their parents.⁴⁶

Questioning of cult philosophy or procedures is equated with influence of the devil. Cult members must let the leaders do all the thinking. In the Krishna cult, no speech or thought is allowed other than in conjunction with teaching or duties.⁴⁷ "Moonies" are asked to drop all objections to cult leadership. Statements of Reverend Moon are illustrative.

"What I wish must be your wish.

"I am your brain.

"The whole world is in my hand, and I will conquer and subjugate the world."⁴⁸

Vitamin-deficient diets, lack of sleep, and overwork have resulted in

emergency hospital care or even death for cult members.⁴⁹ Moreover, some cults teach that medical science and doctors, in particular, are derived from Satan. Illness, therefore, is God's punishment or a sign of spiritual shortcomings.⁵⁰

Prescribed cult medicine is also dangerous. At least two deaths were reported in the Love Family cult from inhaling toluene, an industrial solvent, to achieve "spiritual insight."⁵¹

In North Webster, Ind., Melvin Creider, leader and founder of the Glory Faith Assembly, a cult which forbade consultation with medical doctors, was the object of public outrage when nine of his followers, two mothers and seven infants, died in childbirth between 1975 and 1978.⁵²

Propensity Toward Violence and Lawbreaking

Because the outside world is frequently equated with Satan, many cult leaders encourage cult members to use any means to advance their goals. In some cases, the cult leader predicts the end of the world through some cataclysmic means, either by man in a world war or by God Himself. Therefore, traditional "moral" rules of society may be disregarded in the service of the leader so that cult members may attain "special power."⁵³ As a consequence of the above, incidents involving violence or lawbreaking are not uncommon.

A lawyer who successfully sued the Synanon cult in an action charging the cult with brainwashing, kidnaping, and false imprisonment was bitten by a rattlesnake secreted in his mailbox. Synanon's leader and founder, Charles Dederich, was charged with attempted murder and later sentenced to 5 years' probation for his part in this offense.⁵⁴

The House Subcommittee on International Relations found evidence that the Rev. Sun Myung Moon and his

Unification Church violated immigration, currency transaction, and tax laws. The Immigration and Naturalization Service (INS) found evidence of the Unification Church using mass marriages as a means of bringing aliens into the United States for fundraising purposes. Moreover, INS ordered deportation of almost 600 members who were granted visas for religious education and training, but were really soliciting funds and selling on the street.⁵⁵

David Berg, leader of the Children of God cult, decreed prostitution for its female members, holding that women members may seduce wealthy and influential businessmen to "save souls" and raise money for the church.⁵⁶ Female members were commanded to become "fishers of men" and "happy hookers for Jesus."

Specific acts of cult violence have ranged from excult members being physically harassed and parents being beaten while trying to visit their children in the cult to professionals who opposed cults being threatened with death.⁵⁷ Excult members also have reported that while under cult influence, they would have willingly killed their ownparents if ordered by their leaders.⁵⁸

Even more disturbing are reports of a growing paramilitarism among some religious cults. Robert M. Press of the *Christian Science Monitor*, in a series of articles on paramilitarism, cited a police search of a ranch in northern California run by a Krishna leader of the International Society for Krishna Consciousness, which search resulted in confiscation of large samples of arms, including AR15's (semi-automatic rifles), shotguns, and several thousand rounds of ammunition.⁵⁹

Other similar incidents have resulted in growing public concern about cult activity. In 1976, a petition was signed by 14,000 citizens calling for an investi-

gation of the Unification Church. Three U.S. senators presided over an informal meeting of 400 persons from 32 States complaining of cult activities. Similar hearings have occurred involving other cults in California (1974) and Vermont (1976). Testimony at these hearings revealed difficulties in separating the sometimes illegal political and criminal activities of cults from their religious beliefs. Accordingly, public opinion toward cults remains divided. Critics like Dr. Flo Conway and Jim Siegelman warn of cult-leader takeovers on a national, even international, level. "Large numbers of people in other countries may be laid open to mind control at the direction of self appointed religious social and political leaders."⁶⁰

On the other hand, some critics voice fears of the widespread concern, even hysteria, on the part of the public. They accuse public protests of cults as "a predictable form of . . . scapegoating, and use of outside agitator, theory to explain away problems."⁶¹ This view shrugs off any potential threat by cults as similar to the anti-Masonic, anti-Catholic, and anti-Mormon literature of a hundred years ago. These critics voice concern more for "overstereotyping" of cults with parallels of McCarthyism in the 1950's.⁶²

As a result of these positions, there has been a natural reluctance on the part of some State and Federal authorities to get involved in the fray by prosecuting cult leaders. Unfortunately, this position has placed law enforcement in a quagmire of conflicting direction. Does one prosecute the parent of a cult member when that parent has become involved in a kidnaping for deprogramming or should cult leaders be prosecuted for coercive acts against the young?

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BEHAVIOR-CONTROL TECHNIQUES

Former members of cults have reported a variety of behavior-control techniques, other than simple coercion, which have been used by some cults. These techniques are characterized by social isolation of cult members from the family and general public and rejection of traditional social values in their backgrounds.

Isolation

In most cults, communication with family members is strictly limited, exceptions being recruitment of other members of the family or solicitation of family wealth.⁶³ Parents naturally become distraught and view the conversion of their offspring as a repudiation of everything they hold dear. Efforts to contact their offspring have sometimes resulted in their children being hidden or in physical beatings by cult guards “protecting” cult members from the satanic influences of their parents.⁶⁴ Biblical passages are often cited to the cult member to justify the member’s isolation from the family.⁶⁵

Indoctrination and Isolation

Total isolation from the outside world, particularly from access to the communication media, is accompanied by an intense indoctrination. Former cult members speak of chanting and self-induced trancelike states,⁶⁶ being constantly on the move, living on little sleep, and eating low protein diets.⁶⁷ They are instructed to follow orders without question. Some change their names, shave their hair, even change their way of telling time,⁶⁸ all in an effort to destroy systematically their original identities.

The experience of a reporter who was with the Moon cult for 3 days is illustrative. As reported in *The Congressional Record*, the reporter endured 17-hour days of lectures fol-

lowed by songs, prayers, games, and exercises, and then more songs and prayers.

“The assault on our brains continued without let up. Over and over we repeated, ‘Please father, I pray that our brothers will open their hearts and accept what they have been told.’ Then the prayers would go straight into a song: Father, make me a rainbow to bridge old and new. Father make me a gateway for many to come through. . . . Father, make me a prism held in your hand.

“I felt myself being gripped by strange tensions. Everywhere I looked, I saw moonies watching us with those fixed smiles and blank eyes. . . . by Sunday my head was swimming in the non-stop verbal barrage, my nerves were shot, my muscles ached. I began to realize the meaning of brainwashing.”⁶⁹

Despite his short stay of 3 days, the reporter experienced such extreme anxiety that he was forced to request to be relieved of his assignment.

Lack of sleep, inadequate diet, and excessive regimentation combine to form what observers and physicians describe as a robotlike appearance of cult members. The finding of the N.Y. attorney general’s investigation into the Children of God cult is typical. “Virtually every parent testified his child appeared drugged, in a trance, a hypnotic state after joining the Children of God.”⁷⁰

Distraught parents have brought suits against cults alleging that their children have become involved with religious organizations that place psychological pressure on the children, causing impairment of their physical and mental health and loss of their free will. In a recent conservator suit, wherein the parents of five adult children sought temporary custody of their children for 30 days, an excult member summarized the techniques of the Uni-

fication Church:

- 1) A very strong isolation of the individual from his home, friends, and even his own mind.
- 2) A completely structured program from 7:00 a.m. to 12:30 a.m.
- 3) Every single activity a person engaged in was done by a group, and a person was given no time to himself whatsoever.
- 4) An intense schedule and a deluge of religious concepts which left the participant confused and too fatigued at the end of the day to reflect on the day’s activities and lectures.
- 5) A limited amount of sleep and food which left everyone sluggish.
- 6) The inculcation of a feeling of personal guilt if the participant doubted or failed to follow the teachings.⁷¹

A psychiatrist and a psychologist examined the five children and found:

- 1) They all suffered from a gross lack of information regarding current events.
- 2) They all showed a moderate degree of memory impairment, especially about their childhoods.
- 3) They were emotionally frozen in an inappropriate childlike smile to all input, whether it be hostile or otherwise.
- 4) They were all wide-eyed, had short attention spans, and a decreased ability to concentrate.
- 5) They had very little concern for previous and future personal goals; they were paranoid about previous relationships.⁷²

The psychiatrist then stated the symptoms were the result of “coercive persuasion,” by which he meant a series of techniques similar to those used against U.S. prisoners of war in Korea and Vietnam, more commonly referred to as “brainwashing.”

Similar observations have been made by Dr. John G. Clark, a psychiatrist who summarized his examination of over 60 former members of cults, including members of cults other than Children of God and Unification Church.

"There is a sudden conversion through aggressive and skillful manipulation of a naive subject who is passing through or has been caused to enter a susceptible state of mind. Through highly programmed behavioral control techniques and in a controlled environment, the subject's attention is narrowed and focused to the point of becoming a trance. *As a result, the convert becomes dependent on this new environment for definitions of reality . . . basic controls of the central nervous system become altered, menstrual periods may stop, beard growth is slowed.*"⁷³ (emphasis added)

Psychology of Excult Members

The degree of psychological trauma cults inflict upon their members seems directly related to the amount of time the cult spends in mind-control rituals.

A recent study of excult members by Conway and Siegelman revealed most of the long term psychological damage inflicted upon members appears to be done in the first few months of indoctrination by the cult.⁷⁴

Effects of cult membership are longlasting. Dr. M. T. Singer in examining former cult members determined in her studies a ". . . slippage into dissociative states, severe incapacity to make decisions and related extreme suggestibility."⁷⁵ She believed this was derived from the effects of behavior-conditioning practices on especially susceptible persons. She found her subjects taking much time and energy making simple decisions, like choosing socks or deciding whether to cook or sleep.

Recruitment and Indoctrination

An examination of cult recruiting and indoctrination methods is revealing. Most cults recruit members in their teens when prospective members are young, impressionable, and troubled.⁷⁶ In a recent case, an adult daughter sued her parents for false imprisonment when they hired a deprogrammer to disassociate her from The Way cult.⁷⁷ The defendant's parents introduced a publication by The Way which was a guide instructing Way recruiters how to recruit more members. The parents were attempting to show that their fears for their daughter's physical and emotional well-being were firmly based, prompting her deprogramming. The publication, "The 'How' of Door to Door Witnessing," instructed the recruiters to focus on the "hungry" and on "individuals whose resistance is temporarily lowered because of loneliness, worry over exams, or other adolescent crises."⁷⁸

Children of God recruiters frequent hangouts at university counseling centers, where they find troubled and vulnerable youths.⁷⁹ The Unification Church focuses on university freshmen and seniors, believing them to be anxious and insecure.⁸⁰

Even more disturbing is the fraudulent and deceptive practice of some cults to hide their recruitment purpose behind front groups or social issues, like the betterment of mankind, ecology, or morality.⁸¹ Krishna members have informed the public that they are collecting for a "world relief program."⁸² The Unification Church sponsored a "Tel Aviv Quarter Concern," soliciting funds from the Jewish-concern community under the guise of a Jewish charity.⁸³

At the end of the initial encounter with the cult recruiter, the potential recruit is encouraged to join members at a retreat. The "victim" in our second kidnaping for deprogramming in part I of this article was originally approached in high school when he was invited to attend "free" concerts, lectures, and meetings. At subsequent meetings, the indoctrination process intensified and an interpersonal bond developed between him and cult members.

The methods of establishing this interpersonal bond are many and varied. A chronological life history is often requested, detailing every aspect of the recruit's life, particularly those sensitive areas involving sex, relationship with parents, and trouble with law enforcement authorities. Other cults take a more direct approach. The recruit may be seduced by a member of the opposite sex or supplied with drugs, as in the Jones cult. At the same time, he may be deluged with hate literature attacking organized religions, particularly Judaism and Catholicism.

Whatever method is used, the cult tries to convince him that despite his problems at home and in school, "he is loved." This expression of "love" is vital to the establishment of the interpersonal bond.

Research has indicated that the interpersonal bond plays an important, if not the most important, role in cult recruitment. In the "participant-observation" studies by Lofland and Stark of the Korean-based cult of Rev. Sun Myung Moon, it was shown that if the interpersonal bonds between cult members and potential recruits failed to materialize, the newcomers failed to join.⁸⁴ This decision to join often comes only after a long period of day-to-day interaction with cult members. Conversion thus comes about not because of the appeal of its ideology, but because of the acceptance of the opinions of one's friends.⁸⁵

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These studies were reinforced by Brainbridge's study of satanic cults from 1970-1976. Brainbridge found that interpersonal bonds not only played a critical role in the recruitment of new members but was also essential to the formation of the cult itself.⁸⁶

Summary

The foregoing discussions in parts I and II of this article suggest that in America, there has been a legal history of tolerance for religious beliefs, no matter how bizarre or unorthodox those beliefs are. However, with respect to religiously motivated conduct, the courts have used a balancing test, weighing the interest of the religious group against the State's legitimate interest in regulating that religiously motivated activity which is harmful to society. Congress, the U.S. Department of Justice, and State law enforcement agencies must be responsible enough to avoid interfering with religious belief; but, given this restraint, certain cult behavior (i.e., fraud, violence, deceptive practices) appears to result in substantial harm to society and this outweighs their first amendment protection. Moreover, some cult recruitment methods and behavior-control techniques indicate that decisions to join and remain in the cult often are not freely and voluntarily made.

Law enforcement can investigate cult activities and members upon receipt of information that laws have been broken. Such initiatives can be accomplished without infringing on cult members' rights to religious freedom or violating their civil liberties. Both State and Federal statutes exist under which cult leaders and cult members could be prosecuted for recruitment practices in which the decisions by youths to join or remain in the cult are not voluntarily made. Unlawful imprisonment under State law and kidnaping

statutes under both Federal and State law can be used. There is U.S. Supreme Court authority for the doctrine that bonafide religious beliefs cannot absolve one from liability under the Federal Kidnaping Act.⁸⁷ However, as we will see in part III of this discussion, such prosecution is rare.

The conclusion of this three-part series will explore the problems the investigator or prosecutor has in prosecuting the deprogrammer or parent of the cult member who attempts to break the cult's hold on their children by extraordinary means.

Repeat and repeat till they say what you are saying.

Repeat and repeat till they are helpless before your repetitions.

Say it over and over till their brains can hold only what you are saying

Speak it soft, yell it and yell it, change To a whisper, always in repeats. Come back to it

day on day, hour after hour, till they say what

you tell them to say. To wash A B C out of a brain and replace it with X Y Z . . . This is it.

"Brainwashing" by Carl Sandburg from his *Harvest Poems, 1910-1960* (New York: Harcourt Brace, 1960).

In parts I and II, we explored some of the legal problems confronting law enforcement when dealing with cults. We discussed the first amendment, certain cult activities, and the quandary in which law enforcement has been placed when investigating and attempting to prosecute cult members. In the conclusion, we will focus on the parents of cult members and the legal and illegal options available to them. In addition, we will discuss problems the investigator or prosecutor can encour-

ter in attempts to prosecute the professional deprogrammer or a parent who abducts his child for purposes of removing him or her from the cult environment.

Civil/Criminal Remedies

As long as cult indoctrination is voluntary, the motivation of an individual for joining a religious cult, however extreme, is not subject to judicial review, because the first amendment protects the freedom to choose any religion.⁸⁹ Furthermore, the indoctrination and initiation procedures and conditions of membership of one who joins a religious group are usually not subject to judicial review.⁹⁰ However, as discussed previously, those activities that are not solely ideological may be regulated in cases of fraud and/or coercion. While criminal statutes and legal precedents exist, as we shall see in the following discussion, prosecution of cult leaders for serious violations of criminal statutes, such as false imprisonment and kidnaping, are rare. Those criminal statutes most successfully used against extremist cult leaders are those involving violations of immigration laws, panhandling, income tax violations, and health and safety codes.

Efforts by excult members and their families to obtain redress against cults by civil or criminal action in Federal courts have, for the most part, been unsuccessful. A leading case which illustrates the lack of a Federal remedy is *Turner v. Unification Church*.⁹¹

In *Turner*, the plaintiff brought suit alleging that the Unification Church conspired to hold her in involuntary servitude by threats which placed her in such fear that it destroyed her ability to resist their will. As a result, she was

forced to work long hours soliciting money and selling candies, flowers, and tickets for which she received no compensation. Turner sought relief through the provisions of the Civil Rights Act (Title 42, U.S. Code, Sections 1981, 1983, 1985),⁹² involuntary servitude (Title 18, U.S. Code, Section 1583),⁹³ and the 13th amendment.

The U.S. District Court for the District of Rhode Island dismissed her suit for failure to state a claim. The court emphasized that the Section 1981 provision of the Civil Rights Act applied to racial discrimination, not to discrimination because of religious belief; that Section 1983 applied to deprivation of rights under color of State law, not under a church authority; and that under Section 1985, the church's motive in depriving her of her rights had to be based upon beliefs held by plaintiff prior to her dealings with the church. Finally, the court rejected any remedy under involuntary servitude, stating that elements of both physical restraint and complete psychological domination must be present. As a result, in the absence of clear physical restraint, plaintiff could not show that the church and its followers represented such a threatening and overpowering psychological and/or physical force that plaintiff had no choice but to continue in her service to the church.

The problem that the prosecution has in bringing serious criminal charges, such as unlawful imprisonment or extortion, against cult members in local courts can be seen in the case of *People v. Murphy*.⁹⁴ In this case, the parents of two young members of a Hare Krishna Temple cult abducted the two and attempted deprogramming, which failed when the members escaped and rejoined the cult. The two, at the urging of the cult,

then brought charges against their parents and the deprogrammers involved. When the case was presented to a grand jury, the grand jury refused to indict the parents; instead, they charged the cult leaders for maintaining the two members in a state of "unlawful imprisonment by psychological means." In addition, grand jury charges against the cult included extortion, as the cult leader allegedly attempted to obtain \$20,000 from one member of the family, threatening they would never see their son again.

After inspecting the minutes of the grand jury, the presiding judge dismissed the indictment. The court observed that even if the psychological indoctrination by the cult caused an inability to think or "destroyed healthy brain cells," these acts did not constitute crimes. The maintenance of religious beliefs through highly ritualistic methods like "mind control or brainwashing" in religious indoctrination is not criminal per se.

These cases illustrate that in the absence of overwhelming evidence of fraud or coercion, the search for civil or criminal remedies against cults under State or Federal law will continue to be a difficult undertaking.

Deprograming

"Yes, I hired the deprogrammer; what else could I do. I watched my son for years as he was enticed into this cult through 'love bombing' in high school. Did you know when they first approached him they didn't even identify themselves as a religious group? First, there was a free concert, then a picnic. Everyone was encouraged to talk about the problems they were having at home, in school, and with the authorities. Then came the free weekend away from home where they played music, talked, and had

a great time. Gradually, my son became overwhelmed; associating home, school and authority figures with trouble, while in the cult everyone loved him and he didn't have to make decisions or be responsible.

"Oh, a lot of it is my fault, I didn't recognize the group for what it was until it was too late. When he started college and started living in their group house, I became concerned. When the cult started dictating when he could go to school and which courses he could take, I became worried. I tried to talk him out, but the more I talked, the wider the gap between us grew. Then, they wouldn't let him come home for the summer, sending him out recruiting and selling for them instead. This took all his time. Finally, he could no longer think for himself. I didn't know what to do or who to turn to. I couldn't find him, the cult keep transporting him to various places around the country. "I joined small groups of parents who were in similar situations. I talked with attorneys and psychologists. I spent a great deal of time and money trying to find a way to locate him and rescue him from the cult, while trying to stay within the law. Eventually, after years of trying and finding that I was blocked at every turn I took another route—the deprogrammer. "It costs thousands of dollars and made me feel like a common criminal, but what else could I do? There was an intelligent mind going to waste. I even went with the deprogrammer to help him rescue my son from this cult and I stayed with them for weeks. Have you ever seen a cult member trance out when you talk to him about the cult?"

“Often, the forced removal of the cult member from the cult and this counterindoctrination without their consent result in criminal complaints being filed against the parents and deprogramers by the cult member.”

I saw my son go into a state which you couldn't believe; it's a defense mechanism against deprogramming the cult had conditioned him to. His eyes were wide open, yet he did not know anyone else was around. We flashed a flashbulb directly into his face but he didn't even blink, his pupils didn't contract. His surface body temperature dropped to where, his skin was cold to the touch. Loud noises didn't startle him. During one of these sessions I couldn't take it anymore. I slapped my son to bring him out of the trance. You know, he finally slapped me back. I revelled, not in my slapping him but in him slapping me back. It showed that he still had some human feelings, some emotion left.”

The above quotations were extracted from interviews of parents of a cult member who hired deprogramers. The quotes reveal some of the parental feelings regarding cults, their frustration with the law, and why they frequently turn to the deprogramer as a last resort.

As a result of this natural distress with which parents find themselves and the general absence of successful legal remedies against the cult, parents have often taken it upon themselves to free their offspring by resorting to deprogramming. This process involves the hiring of a “professional” deprogramer who abducts the offspring from a public area, detains him in a secluded place, and subjects him or her to a variety of techniques. These techniques attempt to reverse the effect of cult conditioning and restore the confidence and decisionmaking ability of the cult member.

The type of technique varies with the deprogramer. Generally, the deprogramer attempts to show the cult member the error of his ways and destroy the built-up trust he has for cult leaders. He may furnish detailed information on cult behavior, that cult leaders

live in luxury while the cult member lives in squalor; that the member's hate or mistrust of his parents is misplaced; that Biblical quotes made by the cult have been taken out of context.⁹⁵ The critical point of the deprogramming process appears to be the confrontation by the cult member with his parents. If the member accepts the fact that his parents love him, an angry dialog usually follows, at which point the deprogramming proceeds rapidly.⁹⁶

Some of these deprogramming techniques frequently are similar to the cult indoctrination process itself— isolation of the individual, restriction of the cult member's freedom, restricted diet and sleep. One reviewer has claimed that deprogramming is far more like brainwashing than the conversion process by which members join cults.⁹⁷ While on the other side, experts assert that deprogramming remains the only remedy currently available for the many victims of mind control.⁹⁸ There appears to be one undisputed difference between the two views—after deprogramming the excult member is not controlled by either the parent or the deprogramer, while if he remains in the cult, his freedom is still restricted.

Often, the forced removal of the cult member from the cult and this counterindoctrination without their consent result in criminal complaints being filed against the parents and deprogramers by the cult member. Once the investigation is initiated, law enforcement often finds the credibility of deprogramers somewhat lessened by the type of deprogramers used by parents. The deprogramers are often people who lack adequate credentials. Some have criminal records or are former cult members who harbor real personal or mental problems; some are in it for the

adventure. This lack of credibility, plus the fact that the cult member has been forcibly removed from the cult and counterindoctrination initiated without his or her consent, subjects the parents and deprogramer to civil or criminal charges of false imprisonment or kidnaping, though deprogramers, not the parents, are usually the ones named in the complaint.

Deprogramers then resort to a variety of defenses. They often allege that since the cult member is suffering from mental disability induced by the psychological coercion of the cult, consent would have been given if the cult member had possession of his faculties. This defense recently has been recognized by the Minnesota Supreme Court in *Peterson v. Sorlien*⁹⁹ where the court held:

“When parents, or their agents, acting under the conviction that the judgmental capacity of their adult child is impaired, seek to extricate that child from what they reasonably believe to be a religious or pseudo-religious cult, and the child at some juncture assents to the actions in questions, *limitation upon the child's mobility do not constitute meaningful deprivation of personal liberty sufficient to support a judgment for false imprisonment.*”¹⁰⁰ (emphasis added)

The court made clear that it was not approving of deprogramming saying, “Owing to the threat deprogramming poses to public order, we do not endorse self-help as a preferred alternative.”¹⁰¹

Other decisions reveal an apparent attempt by some courts to grant much leeway to the actions of parents and their agents. In *Weiss v. Patrick*,¹⁰² the Federal district court in Rhode Island was confronted with a similar fact situation. The plaintiff, a member of the

Unification Church, brought an action for false imprisonment against individuals hired by her parents who restrained her against her will in the home of one of the defendants until she escaped. Despite her traumatic experience, the district court found that she failed to demonstrate a meaningful deprivation of personal liberty. The court then emphasized a parental right to advocate freely a point of view. The court stated that to assure freedom, "the right of every person to be left alone must be placed in the scales with the right of others to communicate."¹⁰³

Another defense which is finding a mixed acceptance in the courts is the defense of necessity—that the abduction of the cult member is a rescue from a situation which was dangerous to his or her physical health. Also called the "choice of evils" defense, necessity has some common law roots and is based on a 1962 definition by the American Bar Association which stated that illegal behavior could be justified when "the harm or evil sought to be avoided is greater than that sought to be prevented."¹⁰⁴ There are few cases in the common law involving this defense, apparently because in clear cases of necessity law enforcement officials would not prosecute.¹⁰⁵ The burden of proof in necessity cases is placed on the defendant and as many as three factors have to be established:¹⁰⁶

- 1) The actor perceived the action necessary to prevent imminent harm to himself or another;
- 2) The harm avoided outweighed the harm that the law was designed to prevent; and
- 3) There existed no reasonable alternates to violating the law.

These requirements pose a great hurdle to a deprogrammer's defense. If the cult can show that the member

voluntarily chose to accept the cult's rigorous life, there must be evidence indicating imminent harm to the cult member. Furthermore, since deprogrammers are open to charges of kidnaping, assault and battery, false imprisonment, and conspiracy, the degree of harm must be significant to outweigh breaking these laws. Finally, if there are legal alternatives, such as conservatorship laws, available as civil remedies, this defense will be put to a great disadvantage.

Temporary Guardianship/ Conservator Laws

By statute, many States have adopted temporary guardianship procedures by statute through which parents are able legally to retrieve their children from cults under certain circumstances. The wording of the statute is critical.¹⁰⁷ Generally, under these statutes, if a child is judged "incapacitated," "incompetent," or of "unsound mind" by reason of mental illness, mental deficiency, advanced age, chronic use of drugs, or another cause to the extent that he lacks sufficient understanding to manage his property or care for himself, temporary guardianship can be afforded the parents, regardless of the child's age. This offers a means through which parents can take control of their children where they are convinced their children are prevented from exercising free will because of what they consider destructive personality changes resulting from cult indoctrination.

However, such an approach would not go unchallenged. Cults would usually oppose the parents' claims on the basis of violating freedom of religion, speech, or other constitutional guarantees.

Conclusion

With the increase in cult membership over the last 10 years, law enforcement investigations involving cult members is increasing. Whether these investigations will be routine, such as proselytizing activities on the street, or criminal, such as shoplifting or drug use, the cult member should be treated the same as any other person. A more serious problem arises when an officer encounters a "kidnaping" for deprogramming or receives a complaint involving cult coercion by a parent of a cult member.

Clearly, the officer cannot proceed to release the deprogrammer after observing him with a hostage or let him retain a person kidnaped against his or her will. Nor can they invade the property of a cult to release a victim, unless there is evidence of imminent harm to the cult member.

Practical considerations would come into play at every stage, which would require close coordination with the prosecution. Who should be charged with a crime? What type of charges could be filed? What if the "kidnapers" include a close relative? What jury is going to convict a 50-year-old father for kidnaping his 20-year-old son! And if the State cannot prosecute the father, is it just to charge the deprogrammer who was hired by the father to perform the actual kidnaping? What defenses does the law allow in the jurisdiction, and what charges should be given to the jury? Law enforcement officers may wish to consult with their local prosecutors to determine whether any guidelines are in place or being contemplated in their jurisdictions to answer these questions.

Such practical considerations should not be left to law enforcement alone. Parents of cult members should be advised in seminars of the practical

disadvantages of deprogramming, i.e., the expense, subjecting themselves to criminal charges of kidnaping, assault and battery, etc. Even if one child was deprogrammed every day, the population of cults would hardly be affected, considering the number of recruits entering cults.

The most effective remedy probably is new legislation. The most suggested type of legislation has been new conservatorship laws, but efforts by concerned parents to cause the enactment of such laws have met considerable opposition by civil libertarians.

A more realistic law would aim at and criminalize the less controversial areas of cult behavior—misrepresentation in recruitment and in proselytizing activities, preventing a member from contacting individuals outside the organization, or preventing members from leaving the cult. Currently, attempts are being made in Congress to control cults by drafting a new Federal law, the "Deceptive and Coercive Organizational Practices Act." This act imposes a fine and/or prison sentence on any organization that falsifies facts in recruitment of new members and/or coercively prevents an individual from having contact with individuals outside the organization or terminating their affiliation with the organization.

Whether such an act can be drafted in such a way as to avoid interfering with a person's right to enter a cult if he voluntarily chooses to do so remains to be seen. Whatever the result, it would seem that new legislation is needed to resolve the problem facing parents and law enforcement. The coercive acts of some cults in recruitment and proselytizing activities should not go unchallenged. Nor should some cults be allowed to hide behind the first amendment, while at the same time denying

constitutional rights to some of their followers. As U.S. Supreme Court Justice Arthur J. Goldberg said, "... while the constitution protects against invasions of individual rights, it is not a suicide pact."¹⁰⁸ **FBI**

Footnotes

¹ First amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

Article VI: ". . . but no religious test shall ever be required as a qualification to any office or public trust under the United States."

Fourteenth amendment, Section 1: ". . . nor shall any state deprive any person of . . . liberty . . . without due process of law. . . ."

² Webster's New International Dictionary of the English Language, unabridged (1976), 552.

³ Briggs, "New Spiritual Organizations Considered Likely to Last," *N.Y. Times*, June 22, 1977, at A15, col. 1.

⁴ *Davis v. Beason*, 133 U.S. 333, 10 S. Ct. 299, 33 L.Ed. 637 (1890), at 342.

⁵ *Id.*

⁶ *United States v. Macintosh*, 283 U.S. 605, 51 S. Ct. 570, 75 L.Ed. 1302 (1931).

⁷ 62 Stat. 604, 50 U.S.C.A. App. Sec. 456.

⁸ *United States v. Seeger*, *United States v. Jakobson*, *Peter v. United States*, 380 U.S. 163, 85 S. Ct. 850, 12 L.Ed. 2d 733 (1965).

⁹ *Id.* at 166.

¹⁰ But see recent dissent of Justice Rehnquist in *Thomas v. Review Board of the Indiana Employment Security Division*, et al., 101 S. Ct. 1425 (1981) wherein he noted an even broader extension of "religious belief" by the Supreme Court to include a personal philosophical choice.

"The court's failure to make clear whether it accepts or rejects this finding by the Indiana Supreme Court, the highest court of the state, suggests that a person who leaves his job for purely personal philosophical choices 'will be constitutionally entitled to unemployment benefits.'" Note 1, p. 1435.

Thomas had terminated his job because of his religious beliefs after he was transferred from a foundry department to a department producing tanks and tried to collect unemployment benefits.

¹¹ *Meyer v. Nebraska*, 262 U.S. 390, 43 S. Ct. 625, 67 L.Ed. 1042 (1923); *Pierce v. Society Sisters*, 268 U.S. 510, 45 S. Ct. 571, 69 L.Ed. 1070 (1925); *Stromberg v. California*, 283 U.S. 359, 51 S. Ct. 532, 75 L.Ed. 1117 (1931).

¹² First amendment, *supra* note 1, at 2.

¹³ VIII Works of Thomas Jefferson, 113 (H.A. Washington ed. 1884).

¹⁴ *Walz v. Tax Commission of the City of New York*, 397 U.S. 664, 90 S. Ct. 1409, 25 L.Ed. 2d 470 (1970).

¹⁵ *Everson v. Board of Education*, 330 U.S. 1, 67 S. Ct. 504, 91 L.Ed. 711 (1947) where State statute which authorized reimbursement to parents for bus transportation of Catholic parochial schools held unconstitutional.

¹⁶ *Torcaso v. Watkins*, 367 U.S. 488, 81 S. Ct. 1680, 6 L.Ed. 2d 982 (1961).

¹⁷ *School Dist. of Abington v. Shempp*, 374 U.S. 203, the test being "what are the purpose and the primary effect of the enactment. If either is the advancement of inhibition of religion, then the enactment exceeds the scope of legislative power." Under this test the Supreme Court held that no State law or school board could require Bible reading or recitation of the Lord's prayer at the beginning of each school day.

¹⁸ *Id.* at 233.

¹⁹ *Davis v. Beason*, 133 U.S. 333 (1890).

²⁰ *Cantwell v. Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L.Ed. 1213 (1940).

²¹ The classic case being *Reynolds v. United States*, 98 U.S. 145 (1878) in which the Supreme Court held Mormon practice of polygamy was not protected by the Free Exercise Clause.

²² *Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Prince v. Massachusetts*, 321 U.S. 158 (1944) (child labor); *United States v. Kuch*, 288 F. Supp. 439 (D.D.C. 1968) (possession of illegal drugs).

²³ *People v. Woody*, 61 Cal. 2d 716, 394 P. 2d 813, 40 Cal. Rptr. 69 (1964) belief that religious value of peyote ingestion was aid to spiritual experience; *Founding Church of Scientology v. United States*, 409 F.2d 1146 (D.C. Cir.) religious group engaged in marketing "E-meters" as religious devices must expressly holdout a religious purpose in dealings with the public in order to receive constitutional protection and escape regulations.

²⁴ *United States v. Ballard*, 322 U.S. 78, 64 S. Ct. 882, 88 L.Ed. 1148 (1944).

²⁵ *Sherbert v. Verner*, 374 U.S. 398, 10 L.Ed. 2d 965, 83 S. Ct. 1790 (1963).

²⁶ 240 S.C. 286, 303-304; 125 S.E. 2d 737 (1962).

²⁷ 374 U.S. 398 at 399.

²⁸ *Id.* at 404.

²⁹ *Id.*

³⁰ *Kennedy v. Meacham*, 540 F.2d 1057, 1061 (10th Cir. 1976), *American Friends Serv. Comm. v. United States*, 368 F. Supp. 1176, 1182-1184 (E.D. Pa. 1973).

People v. Woody, 61 Cal. 2d 716, 719-726, 394 P. 2d 813, 816-821, 40 Cal. Rptr. 69, 72-77 (1964). See also various commentators: *Religious Cults*, 1978, N.Y. Univ. L. Rev. 1260-1265; Marcus, *The Form of Conscience: Applying Standards Under the Free Exercise Clause*, 1973 Duke L.J. 1217, 1239; *Abduction, Religious Sects and the Free Exercise Guarantee*, 25 Syracuse L. Rev. 623, 634 (1974).

³¹ *Wisconsin v. Yoder*, 406 U.S. 205, 32 L.Ed. 2d 15, 92 S. Ct. 1526 (1972).

³² *Id.* at 214.

³³ See generally, "Cults in America," *N.Y. Times*, January 21, 22, 23, 1979; Hearings Before the Vermont Senate Committee for the Investigation of Alleged, Deceptive, Fraudulent and Criminal Practices of Various Organizations in the State, August 18, 1976, (hereafter referred to as Vermont Hearings); Charity Frauds Bureau, Final Report on the Activities of the Children of God, 1976, (submitted to New York attorney general—hereafter referred to as N.Y. Attorney General Report); R. Delgado, "Religious Totalism: Gentle and Ungentle Persuasion under the First Amendment," 51 S. Cal. L. Rev. 1 (1977).

³⁴ *Vermont Hearings*, *supra* note 33, at 11; C. Stoner and J. Parks, *All God's Children* (Chilton Book Company, 1978), p. 175.

³⁵ *Id.*

³⁶ *Vermont Hearings*, *supra* note 33, at 59-60.

³⁷ *N.Y. Times*, September 30, 1975, p. 41, col. 7; Waters, "Tammy Doesn't Live Here Anymore," *Boston Magazine*, November 1975, p. 100.

³⁸ *Allard v. Church of Scientology of California*, 58 Cal. App. 3d 439, 129 Cal. Rptr. 797 (1976), *cert. denied*, 429 U.S. 1091 (1977).

³⁹ *Id.*, p. 805.

⁴⁰ Rice, "The Pull of Sun Moon," *N.Y. Times*, May 30, 1976, (magazine).

⁴¹ *Id.*

⁴² *Id.* p. 19 (Reverend Moon owns a \$620,000, 25-room mansion overlooking the Hudson River and a 50-foot cabin cruiser); *Time*, June 14, 1976, p. 50 (Unification Church planning to purchase Empire State Building); *N.Y. Times*, May 25, 1976, p. 16, col. 7 (Moon's income reported to be \$60 million).

- ⁴³ Schuppin v. Unification Church, Civil No. 76-87 (D. Vt., filed April 8, 1976).
- ⁴⁴ R. Enroth, *Youth, Brainwashing and the Extremist Cults* (Grand Rapids, Mich.: Zondervan, 1977), pp. 163-64; Sage, "The War on Cults," *Human Behavior*, October 1976, p. 76.
- ⁴⁵ Roche Report, "Cultism and the Young," *Frontiers of Psychology*, September 1, 1976, p. 2.
- ⁴⁶ C. Stoner and J. Parks, *supra* note 34, at 218.
- ⁴⁷ R. Enroth, *supra* note 44, at pp. 23-24.
- ⁴⁸ Rice, "Messiah from Korea: Honor Thy Father Moon," *Psychology Today*, January 1976, p. 39; *Time*, June 14, 1976, p. 49.
- ⁴⁹ C. Stoner and J. Parks, *supra* note 34, at 106-107 (starving cult members during cold weather); Vermont Hearings, *supra* note 33, at 63; Enroth, *supra* note 44, at 23-24; Rice, "The Pull of Sun Moon," *N.Y. Times*, May 30, 1976, p. 23 (magazine).
- ⁵⁰ R. Enroth, *supra* note 44, at 43; C. Stoner and J. Parks, *supra* note 34, at 13.
- ⁵¹ C. Stoner and J. Parke, *supra* note 34, at 106-107; *Seattle Post-Intelligencer*, January 24, 1972, A-3, col. 5.
- ⁵² *N.Y. Times*, January 21, 1979, A-52, col. 3.
- ⁵³ *N.Y. Times*, January 21, 1979, A-52, col. 1.
- ⁵⁴ *N.Y. Times*, September 4, 1980, A-21.
- ⁵⁵ Rice, "The Pull of Sun Moon," *N.Y. Times*, May 30, 1976 (magazine); National Ad Hoc Committee, "The Unification Church: Its Activities and Practices, A Meeting of Concerned Parents, A Day of Affirmation and Protest," April 20, 1976; *N.Y. Times*, April 24, 1977, A-25 col. 1.
- ⁵⁶ *N.Y. Times*, January 23, 1979, A-6, col. 2.
- ⁵⁷ R. Enroth, *supra* note 44, at 188 (mother beaten when she tried to see daughter; father beaten at Hare Krishna Temple); *N.Y. Times*, September 30, 175, A-41, col. 7 (father allegedly beaten); Vermont Hearings, *supra* note 33, at 6 (psychiatrist threatened with "trouble for your house and wife"); *Philadelphia Daily News*, April 22, 1977, A-6, col. 3 (Connecticut woman active in anticult movement receiving threatening phone calls).
- ⁵⁸ Erickson and MacPherson, "The Deceptions of the Children of God," *Christianity Today*, vol. 17, 1973, p. 1090 (as quoted by followers of Children of God on Canadian T.V.); *Dallas Morning News*, October 19, 1975, A-34, col. 1; National Ad Hoc Committee, *supra* note 55, at 29 ("If my family proved to be a threat to the mission of the Messiah, I would murder them."); *Washington Post*, August 20, 1975, C-1, col. 4 (where psychiatrist testified former cult members have stated they would kill if ordered to do so by the Church).
- ⁵⁹ *The Christian Science Monitor*, "Some U.S. Religious Militants Adopt Trappings of Real War", March 24, 1981.
- ⁶⁰ Ted Patrick, Playboy Interview, *Playboy*, March 1979, p. 68.
- ⁶¹ James J. Richardson, "Conversion and Commitment in Contemporary Religion," *American Behavioral Scientist*, vol. 20, No. 6, July-August 1977, p. 800.
- ⁶² T. Robbins and D. Anthony, "Cults, Brainwashing, and Counter Subversion," *American Academy of Political and Social Science*, November 1979, pp. 78-90.
- ⁶³ R. Enroth, *supra* note 44, at 174-175; Gunther, "Brainwashing: Persuasion by Propaganda," *Today's Health*, February 1976, p. 15; Erickson and MacPherson, *supra* note 58.
- ⁶⁴ *Supra* note 57.
- ⁶⁵ W. Peterson, *Those Curious New Cults* (New Canaan, Conn.: Keats Publication Co., 1976), p. 131.
- ⁶⁶ Vermont Hearings, *supra* note 33, at 17; R. Enroth, *supra* note 44, at 12, 183. *N.Y. Attorney General Report*, *supra* note 33, at 11.
- ⁶⁷ R. Enroth, *supra* note 44, at 63-64, 160. Rice, *supra* note 55; *N.Y. Attorney General Reports*, *supra* note 33, at 38.
- ⁶⁸ R. Enroth, *supra* note 44, at 12; Beckford, "A Korean Evangelistic Movement in the West," Acts of the 12th International Conference for the Sociology of Religion, 1973, pp. 319, 321-323; see generally, F. Conway and J. Siegelman, *Snapping*, (Philadelphia, Pa.: J. B. Lippincott, 1978).
- ⁶⁹ 94th Congress, House, 2d sess., January 28, 1976 *Congressional Record*, vol. 122, part 2, p. 1391.
- ⁷⁰ *N.Y. Attorney General Report*, *supra* note 33, at 11.
- ⁷¹ *Katz v. Superior Court*, 73, Cal. App. 3d 952, 141 Cal. Rptr. 234, 975 (1977).
- ⁷² *Id.* at 976.
- ⁷³ John G. Clark, Jr., M.D. "Cults," *Journal of the American Medical Association*, July 20, 1979, vol. 242, No. 3, pp. 279-281.
- ⁷⁴ F. Conway and J. Siegelman, "Have Cults Created a New Mental Illness?" *Science Digest*, January 1982, p. 86.
- ⁷⁵ M. T. Singer, "Coming Out of the Cults," *Psychology Today*, January 1979, pp. 72-82; M. T. Singer, "Therapy with Excult Members," *Journal of the National Association of Private Psychiatric Hospitals*, vol. 9, No. 4, pp. 14-18.
- ⁷⁶ Harayada, "I was a Robot for Sun Myung Moon," *Glamour*, April 1976, p. 216; *N.Y. Attorney General Report*, *supra* note 33, at 10-12; R. Enroth, *supra* note 44, at 149.
- ⁷⁷ *Peterson v. Sorlien*, 299 N.W. 2d 123 (1980), *cert. denied*, 450 U.S. 1031 (1981).
- ⁷⁸ *Id.* at p. 130.
- ⁷⁹ Enroth, *supra* note 44, at 158-159.
- ⁸⁰ *Id.*
- ⁸¹ *Time*, June 14, 1976, pp. 18-49 (Unification Church, in order to peddle their wares, may claim to be helping drug addicts, orphans, anyone since such lies are merely "heavenly deceit").
- ⁸² *L.A. Times*, April 7, 1976, A-11, p. 1, col. 1.
- ⁸³ *N.Y. Times*, December 29, 1976, A-14, col. 4.
- ⁸⁴ John Lofland and Rodney Stark, "Becoming a World Saver: A Theory of Conversion to a Deviant Perspective," *American Sociological Review*, vol. 30, 1965, pp. 862-875; John Lofland, *Dooms Day Cult* (Englewood Cliffs, N.J.: Prentice Hall, 1966).
- ⁸⁵ Other researchers revealed similar findings with Church of the Sun cult (F. R. Lynch, "Toward a Theory of Conversion and Commitment to the Occult," *American Behavioral Scientist*, vol. 20, 1977, pp. 889-903) and the Jesus Movement Cult (J. T. Richardson and M. Stewart "Conversion Process Models and the Jesus Movement," *American Behavioral Scientist*, vol. 20, 1977, pp. 819-838).
- ⁸⁶ R. Stark and W. S. Brainbridge, "Networks of Faith: Interpersonal Bonds and Recruitment to Cults and Sects," *American Journal of Sociology*, May 1980, pp. 1376-1399; W. S. Brainbridge, *Satan's Power* (Berkeley and Los Angeles: University of California Press, 1978).
- ⁸⁷ *Chatwin v. United States*, 326 U.S. 455, 90 L. Ed. 199, 66 S. Ct. 233, (1945) at 460.
- ⁸⁸ *United States v. Seeger*, 380 U.S. 163, 85 S. Ct. 850, 13 L. Ed. 2d 733 (1965).
- ⁸⁹ *United States v. Ballard*, 322 U.S. 78, 64 S. Ct. 882, 88 L. Ed. 1148 (1944).
- ⁹⁰ 473 F. Supp. 367 (D.R.I. 1978), *aff'd*, 602 F.2d 458 (1st Cir. 1979).
- ⁹¹ 42 U.S.C. 1981 is the equality of rights statute; 42 U.S.C. 1983 sets forth a civil action for deprivation of rights; 42 U.S.C. 1985 governs any conspiracy to interfere with the civil rights of others.
- ⁹² Criminal statutes often create civil causes of action, even though the only express sanctions are criminal. See *Cort v. Ash*, 422 U.S. 66, 95 S. Ct. 2080, 45 L. Ed. 2d 26 (1975) in which the U.S. Supreme Court listed four factors which must be considered before a private cause of action for damages can be implied from a criminal statute.
- ⁹³ 98 Misc. 2d 235, 413 N.Y.S. 2d 540 (Sup. Ct. 1977).
- ⁹⁴ Gunther, "Brainwashing: Persuasion by Propaganda," *Today's Health*, February 1976; T. Patrick and T. Dulack, *Let Our Children Go!* (New York: Ballantine Books), pp. 25-26.
- ⁹⁵ Patrick, *supra* note 95, at 25-26.
- ⁹⁶ John E. Lemoult, "Deprogramming Members of Religious Sects," *Fordham Law Review*, March 1978, p. 606.
- ⁹⁷ Conway and Siegelman, "Have Cults Created a New Mental Illness?" *Science Digest*, January 1982, p. 92.
- ⁹⁸ 299 N.W. 2d 123 (1980), *cert. denied*, 450 U.S. 1031 (1981).
- ⁹⁹ *Id.* at 129.
- ¹⁰⁰ *Id.*
- ¹⁰¹ *Id.*
- ¹⁰² 453 F. Supp. 717 (D.R.I.), *aff'd*, 588 F.2d. 818 (1st Cir. 1978), *cert. denied*, 442 U.S. 929, 99 S. Ct. 2858 61 L. Ed. 2d 296 (1979).
- ¹⁰³ *Id.* at 722.
- ¹⁰⁴ Model Penal Code Sec. 3.02 (Proposed Official Draft, 1962).
- ¹⁰⁵ The classic cases in which the necessity defense were raised involved cannibalism *The Queen v. Dudley and Stevens*, 14 Q.B.D. 273 (1884) and mutinies *United States v. Borden*, 24 Fed. Cas. 1202 (D.C. Mass. 1857); Modern use of this defense frequently occurs in cases involving prison escapes. *People v. Unger*, 66 Ill. 2d 333, 362 N.E. 2d 319 (1977) (where conviction was reversed because necessity defense was not submitted to jury).
- ¹⁰⁶ "Cults, Deprogrammers, and the Necessity Defense," *Michigan Law Review*, vol. 80, No. 2, December 1981, p. 271.
- ¹⁰⁷ See, e.g., Colo. Rev. Stat. Sec. 15-14-101(1) (1973); Conn. Gen. Stat. Anno. Sec. 45-72 (West) (1980); Ga. Code Anno., Sec. 49-604 (1978); Ia. Code Anno., Sec. 633.558 (West) (1972); Ky. Rev. Stat. Anno., Sec. 387.740 (Baldwin) (1982); Mass. Stat. Anno., 201 Sec. 14 (1977); R.I. Gen. Laws, Sec. 33-15-8 (1956); S.C. Code, sec. 21-19-50 (1976) Tex. Prob. Code Anno., Sec. 131 (1977).
- ¹⁰⁸ *Kennedy, Attorney General v. Mendoza-Martinez*, 372 U.S. 144, 83 S. Ct. 503, 9 L. Ed. 2d 644, 160 (1963).