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# Religious Cult Members and Deprogramming Attempts, Peterson v. Sorlien and Alexander v. Unification Church of America

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## TORT LIABILITY

### *Religious Cult Members and Deprogramming Attempts*

*Peterson v. Sorlien*, 299 N.W.2d 123 (Minn. 1980)

&

*Alexander v. Unification Church of America*, 634 F.2d 673 (2d Cir. 1980)

ONE RECENT development in American culture has been the emergence of "new religions" or "cults." In opposition, a distinct anti-cult movement has emerged composed primarily of concerned relatives of religious devotees and led by mental health professionals and lawyers. They contend that fraudulent misrepresentations induce individuals to associate with cults and that "mind control" techniques compel them to stay. Because such techniques allegedly impair the ability of devotees to think for themselves, anti-cult people believe that "deprogramming" is necessary to counteract cult indoctrination and to restore cult members to mental and social health.

When parents or their agents seek to "deprogram" their adult children through the legal power of a probate order, or through extralegal abduction or physical restraint, far-reaching legal questions emerge. Two recent cases add to the growing case law in this area. The opinions in *Peterson v. Sorlien*<sup>1</sup> and *Alexander v. Unification Church of America*<sup>2</sup> discuss the parameters of permissible conduct for deprogrammers and parents, the availability of tort remedies to a devotee in response to a deprogramming attempt, the relevance of the parent-child relationship and the religious involvement of adult offspring in determining tort liability of parents and their agents, the role of the religious organization supporting the lawsuit, and the availability of a legal response by deprogrammers.

#### *Peterson v. Sorlien*

Susan Jungclaus Peterson joined The Way Ministry in 1973 during her first year at college. After three years, her parents "concluded that through a calculated process of manipulation and exploitation Susan had been reduced to a condition of psychological bondage"<sup>3</sup> by The Way.

On May 24, 1976, Susan's father arrived to pick her up at the end of her college term. Instead of going to the family home, he drove to the home of Veronica Morgel in Minneapolis. There Susan was met by several

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<sup>1</sup> 299 N.W.2d 123 (Minn. 1980).

<sup>2</sup> 634 F.2d 673 (2d Cir. 1980).

<sup>3</sup> 299 N.W.2d at 127.

former members of The Way and by Kathy Mills, a professional deprogrammer.

Initially, Susan refused to discuss her involvement with The Way. She lay curled in a fetal position, plugging her ears, crying, and flailing out. By the fourth day Susan's demeanor had changed. During the next several days she engaged in friendly conversation and played softball.

She also traveled to Ohio for sixteen days. Following her return to Minneapolis, her parents unsuccessfully attempted to arrange a controlled meeting between Susan and her fiancée, a Way devotee. After refusing to sign a waiver releasing her parents from liability, Susan left the house, waved down a police car, and returned to The Way.<sup>4</sup>

Shortly thereafter, Susan instituted a lawsuit against her parents and others involved in the deprogramming attempt. At trial, the jury found defendants Morgel and Mills liable for intentional infliction of emotional distress, and assessed \$4000 and \$6000 punitive damages. All of the defendants were exonerated of the charge of false imprisonment.<sup>5</sup> Susan appealed to the Minnesota Supreme Court.

The principal issues considered on appeal were: whether the plaintiff's conduct constituted consent to the alleged false imprisonment, whether evidence concerning her involvement in The Way was improperly admitted, and whether the jury was improperly permitted to consider evidence that The Way was aiding the plaintiff with legal expenses.

False imprisonment is an intentional tort and consent by the victim is a complete defense. Consent may be inferred from conduct.<sup>6</sup> The court found that Susan's behavior during the last thirteen days of the deprogramming constituted implied consent. She often went out in public, sometimes alone, and had several obvious opportunities to contact law enforcement authorities. The issue was whether Susan voluntarily participated in the activities of the first three days.<sup>7</sup> The majority held that the jury could find that her behavior as a whole constituted a waiver — her later consent overcoming her earlier protests against the defendants' conduct.

The dissent pointed out, however, that the cases cited by the court do not support this position.<sup>8</sup> The court relied on language from *Faniel v.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 128.

<sup>6</sup> See RESTATEMENT (SECOND) OF TORTS §§ 35, 892 (1965).

<sup>7</sup> 299 N.W.2d at 128.

<sup>8</sup> *Id.* at 134 (Wald, J. dissenting in part, concurring in part).

*Chesapeake & Potomac Telephone Co.*<sup>9</sup> regarding conduct which would "negative [plaintiff's] prior consent and convert her into an unwilling passenger on the trip to her home."<sup>10</sup> This, however, refers only to the effect of the plaintiff's prior consent from that point forward. That is, earlier consent will not negate later protest. Even if *Faniel* is read to say that any *objection* by the purported victim relates back to the beginning of tortious activity, it does not necessarily follow that subsequent consent also relates back. In fact, the positions are contradictory. It cannot be true that both protest at any point negates any manifestation of consent *and* consent at any point negates any protest.

In contrast, the dissent cited *People v. White*,<sup>11</sup> which, in affirming a conviction for attempted kidnapping, held that later consent does not relate back to relieve the defendant of liability for any previous acts. "[F]or consent to be a defense to the crime of kidnapping it must be present throughout the commission of the offense."<sup>12</sup>

Rather than ruling broadly on this issue, the majority in *Peterson* limited its holding to deprogramming cases stating that:

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 pseudoreligious cult, and the child at some juncture assents to the actions in question, limitations upon the child's mobility do not constitute meaningful deprivation of personal liberty sufficient to support a judgment for false imprisonment.<sup>13</sup>

In support, the court cited *Weiss v. Patrick*,<sup>14</sup> a similar action for false imprisonment in which the plaintiff's Thanksgiving visit to her dying mother became a deprogramming attempt. The *Peterson* majority underscored the reference in *Weiss* to a "parental right to freely advocate a point of view to her daughter, be she minor or adult."<sup>15</sup> The *Weiss* finding that there was no meaningful deprivation of personal liberty was, however, based on disbelief of the plaintiff's testimony concerning the use of force.<sup>16</sup> The *Weiss* court

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<sup>9</sup> 404 A.2d 147 (D.C. 1979). In *Faniel*, the plaintiffs claim of false imprisonment was found to be unsubstantiated because she was unable to demonstrate that her prior consent was subsequently withdrawn.

<sup>10</sup> *Id.* at 153.

<sup>11</sup> 53 Mich. App. 51, 218 N.W.2d 403 (1974).

<sup>12</sup> *Id.* at 55-56, 218 N.W.2d at 405. *White* may be distinguished from *Peterson* since in *White* the court based its holding on the public policy that "the [criminal] offense is not only an offense against a particular individual but . . . is also an offense against society as a whole." *Id.* at 56, 218 N.W.2d at 405.

<sup>13</sup> 299 N.W.2d at 129.

<sup>14</sup> 453 F. Supp. 717 (D.R.I. 1978), *aff'd mem.*, 588 F.2d 818 (1st Cir. 1978), *cert. denied*, 442 U.S. 929 (1979).

<sup>15</sup> 453 E. Supp. at 722.

<sup>16</sup> *Id.* at 721.

explained: "Defendants have the *right which all citizens have*, to peaceably dissuade Plaintiff of her particular religious views, *provided they use no form of unlawful compulsion* to effect their purpose."<sup>17</sup>

In his dissent to *Peterson*, Justice Wahl cautioned against tampering with the first amendment rights to freedom of association and belief and with longstanding principles of tort law "out of sympathy for parents seeking to help their 'misguided' offspring."<sup>18</sup> He argued that parents who disapprove of the religious beliefs of their adult offspring should have no privilege to engage in tortious conduct.<sup>19</sup> Justice Wahl suggested that by simply accepting the defendants' subjective conviction that their adult daughter's mind was controlled as adequate justification for their acts, the court was allowing a good faith defense to false imprisonment which is improper in the law of intentional torts.<sup>20</sup>

The majority attempted to temper the effect of its holding by concluding its discussion with the comment, "we do not endorse self-help as a preferred alternative."<sup>21</sup> They noted that some courts have permitted the creation of temporary guardianships or allowed criminal actions against cult leaders as appropriate methods of protecting children.<sup>22</sup>

Another issue on appeal was the propriety of the trial court's admission of evidence regarding the plaintiff's involvement in the activities of The Way.

By charging defendants with intentional infliction of emotional distress and seeking punitive damages, plaintiff placed the state of mind of

<sup>17</sup> *Id.* at 722 (emphasis added).

<sup>18</sup> 299 N.W.2d at 133 (Wahl, J., dissenting in part, concurring in part).

<sup>19</sup> *Id.* at 134 (Wahl, J., dissenting in part, concurring in part).

<sup>20</sup> *Id.* at 133, 134 (Wahl, J., dissenting in part, concurring in part). *Accord*, W. PROSSER, HANDBOOK OF THE LAW OF TORTS 48 (4th ed. 1971). *But cf.*, U.S. v. Patrick, 532 F.2d 142, 145 (9th Cir. 1976) (letting stand the acquittal of a deprogrammer accused of the criminal offense of kidnapping, where the trial court found that the parents' reasonable belief that their daughter was in imminent danger constituted the defense of necessity).

The authorities are in disagreement over what constitutes mind control or brainwashing. *See* Comment, *Deprogramming Religious Cultists*, 11 LOY. L.A. L. REV. 807, 811 n. 28 (1978) and authorities cited therein. Justice Otis suggested that if the parents had relied on a professional (*i.e.*, psychiatric) opinion or on a judicial determination, the parents' opinion regarding mind control would have been less subjective and more acceptable. 299 N.W.2d at 136 (Otis, J., dissenting).

<sup>21</sup> 299 N.W.2d at 129.

<sup>22</sup> *Id.* at 129 n.2 (citing Delgado, *Religious Totalism: Gentle and Ungentle Persuasion Under the First Amendment*, 51 S. CAL. L. REV. 1, 73-97 (1977)). Appellate courts have not favored the use of legal process to enforce deprogramming. *See* Katz v. Superior Court, 73 Cal. App. 3d 952, 141 Cal. Rptr. 234 (1977) (former probate statute allowing conservatorship of property is too vague to be invoked to protect minds); *People v. Murphy*, 98 N.Y. Misc. 2d 235 (1977) (dismissing criminal charge of unlawful imprisonment; holding that the religious practices of Hare Krishna do not constitute illegal intimidation and merit protection by the first amendment). *See also* Augenti v. Cappellini, 84 F.R.D. 73 (M.D. Pa. 1979) (complaint of misuse of probate order may support a federal civil rights claim based on religious discrimination under 42 U.S.C. § 1985 (3) (1979)); *accord*, Rankin v. Howard, 457 F. Supp. 70 (D. Ariz. 1978); *Baer v. Baer*, 450 F. Supp. 481 (N.D. Cal. 1978).

defendants at issue. For a court to award punitive damages, a plaintiff must prove that defendants acted willfully, wantonly and maliciously. Good faith is a proper defense to punitive damages. . . . Therefore, in determining whether defendants acted with the requisite degree of malice, . . . defendants' perceptions of The Way Ministry and their fears for Susan's well-being [were] relevant and admissible.<sup>23</sup>

The court discussed whether the first amendment guarantee of free exercise of religion should nevertheless restrict such testimony. Although religious *belief* is absolutely protected from governmental interference, *conduct* which is religiously motivated may be limited when there is a substantial public interest.<sup>24</sup> The court felt that the testimony was properly limited to evidence purporting to illustrate defendants' fears about The Way's recruitment methods and Susan's living conditions. The court conceded that even this evidence may have the effect of prejudicing a jury by bringing out facts regarding religious beliefs, but noted that the jury was properly instructed on the purpose of this evidence. They held that the defendants' right to defend against the charge of intentional infliction of emotional distress and to avoid the imposition of punitive damages outweighed any potential for prejudice.<sup>25</sup>

This much seems to be an accurate statement of the law. However, the tone and context indicate a readiness to compromise the first amendment when a "religious or pseudoreligious cult" is involved. In its statement of the constitutional law, the court added: "A court may also afford the interest of the religious group less weight if it considers the belief giving rise to the conduct insincerely held, or if the practice is not central to the group's system of belief."<sup>26</sup> Insinuations that The Way is merely a "pseudoreligious cult" clearly color the court's analysis throughout the opinion.<sup>27</sup>

Clearly one may not fraudulently claim a religious justification in order to gain the protection of the first amendment, and conduct found to be based on secular considerations which are merely coincidental with unusual religious beliefs will not be protected.<sup>28</sup> But such findings must be weighed very carefully to avoid basing a judgment on the truth or falsity of a faith. "The essential characteristic of [first amendment] liberties is, that under

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<sup>23</sup> 299 N.W.2d at 129-30. See Annot., 93 A.L.R.3d 1109 (1979) (discussing defendant's mental state required for award of punitive damages in false imprisonment action).

<sup>24</sup> 299 N.W.2d at 130 (citing *Wis. v. Yoder*, 406 U.S. 205, 215 (1972) (upholding a challenge by Amish parents to a state requirement that children attend high school to age 16); *Sherbert v. Verner*, 374 U.S. 398, 402-403 (1963) (reversing state denial of unemployment benefits to a Seventh Day Adventist who refused Saturday work)).

<sup>25</sup> 299 N.W.2d at 130.

<sup>26</sup> *Id.* (citing *Wis. v. Yoder*, 406 U.S. 205 (1972) and *Sherbert v. Verner*, 374 U.S. 398 (1963)).

<sup>27</sup> See 299 N.W.2d at 133 (Wahl, J., concurring in part and dissenting in part).

<sup>28</sup> See 406 U.S. at 215.

their shield many types of life, character, opinion and belief can develop unmolested and unobstructed."<sup>29</sup>

Another factor clouding the discussion of the admissibility of the testimony concerning the defendants' perception of The Way's activities was the court's initial holding, which in effect gave parents a good faith defense to an intentional tort.<sup>30</sup> It is clear from that discussion that the court was willing to permit evidence of the defendants' perceptions of the plaintiff's religious involvement to be considered on the question of liability for false imprisonment, and not merely on the issues of punitive damages and intentional infliction of emotional distress.<sup>31</sup>

The third issue on appeal concerned an instruction which allowed the jury, when assessing the plaintiff's credibility, to take into account whether The Way was maintaining or financing the lawsuit. The Minnesota Supreme Court held that such an instruction is "in general . . . unwise,"<sup>32</sup> but not reversible error in this case.

In *NAACP v. Button*, the United States Supreme Court held that solicitation and support of individual causes of action by a group is a legitimate form of political action protected by the first amendment.<sup>33</sup> The *Peterson* court felt that a rule allowing a jury to consider evidence that an unpopular group supports or may derive some benefit from the lawsuit would ultimately deter potential litigants from accepting assistance from such groups.<sup>34</sup> This could cause many individuals to forego their rights to seek redress in the courts.<sup>35</sup>

Nevertheless, the court held that this was harmless error because it was a small part of instructions which were otherwise good, and because the plaintiff ultimately received an award of \$10,000 punitive damages.<sup>36</sup> This holding may conflict with the United States Supreme Court's refusal in *Button* to accept a lower court ruling which would have limited the application of the statute in question without overturning it. "Broad prophylactic rules in the area of free expression are suspect. . . . Precision of regulation

<sup>29</sup> *Cantwell v. Conn.*, 310 U.S. 296, 310 (1940) (overturning conviction of a Jehovah's Witness for inciting a breach of peace where others were offended by the content of his public proselytization).

<sup>30</sup> See text accompanying note 20, *supra*.

<sup>31</sup> See 299 N.W.2d at 133 (Wahl, J., concurring in part and dissenting in part).

<sup>32</sup> *Id.* at 131.

<sup>33</sup> 371 U.S. 415, 429 (1963).

<sup>34</sup> 299 N.W.2d at 131.

<sup>35</sup> *Id.* at 135 (Wahl, J., dissenting in part, concurring in part).

<sup>36</sup> *Id.* at 131.

must be the touchstone in an area so closely touching our most precious freedoms."<sup>37</sup>

*Alexander v. Unification Church of America*

Like *Peterson*, the case of *Alexander v. Unification Church of America*<sup>38</sup> dealt with complaints about the role which a religious organization played in a private suit purportedly brought on behalf of an individual member. These claims are perhaps more properly raised in an independent action, where they do not color the issue of tort liability for the deprogramming attempt. In *Alexander*, only the claims of the deprogrammers against the church were at issue.<sup>39</sup>

The plaintiffs were deprogrammers, suing the Unification Church; its president, Neil Salonen; and its leader, Sun Myung Moon. The United States District Court for the Southern District of New York dismissed the complaint for failure to state a claim upon which relief could be granted, and the plaintiffs appealed. The appellate court reversed the dismissal and remanded the case for trial.<sup>40</sup>

The complaint contained four counts: One claim for "maintenance," two federal civil rights claims, and one for intentional infliction of emotional distress. The court upheld the dismissal of the federal civil rights claims, but held that the first count sufficiently alleged the tort of abuse of process and the last sufficiently alleged the tort of intentional infliction of emotional distress to warrant a trial on these issues.<sup>41</sup>

The first count, labelled "maintenance," referred to an earlier lawsuit brought by Wendy Helander, a young adult member of the Unification Church whose parents had sought to have "deprogrammed."<sup>42</sup> The count alleged that the suit had been brought by Ms. Helander in name only; that the Unification Church was paying all legal expenses and would receive any judgment granted to Ms. Helander; and that this suit along with several others maintained by the Church was "part of a general policy to destroy so-called 'deprogrammers,' and others who had the courage to oppose the viewpoints of the Unification Church."<sup>43</sup>

The court held that the common law tort of champerty or mainte-

<sup>37</sup> 371 U.S. at 438.

<sup>38</sup> 634 F.2d 673 (2d Cir. 1980).

<sup>39</sup> The devotee's claim against the deprogrammer were brought in a separate suit, *Helander v. Patrick*, Civ. No. 77-2401 (S.D.N.Y., filed May 16, 1977).

<sup>40</sup> 634 F.2d at 673.

<sup>41</sup> *Id.* at 675, 677-79.

<sup>42</sup> *Helander v. Patrick*, Civ. No. 77-2401 (S.D.N.Y., filed May 16, 1977).

nance<sup>44</sup> was not available but construed the allegations of the first count as a claim of abuse of process. The gist of this tort is "misusing, or misapplying process justified in itself for an end other than that which it was designed to accomplish."<sup>45</sup> The plaintiffs' allegation that the primary purpose of the suits maintained by the church was to hamper deprogramming efforts, and not to recover damages for the church members, supports such a claim. The fact that the suits against the deprogrammers might be successful is irrelevant to their claim that the defendants are liable for abuse of process.<sup>46</sup>

The court seemed to say that the defendants would be liable under New York law merely for "[procuring] the initiation of a proceeding by a third party."<sup>47</sup> Yet if the role of the Unification Church is merely to solicit and support litigation for damages by individual members which also furthers the legitimate goals of the church, *NAACP v. Button* precludes making the church's actions a basis of liability.<sup>48</sup> However, since the plaintiffs claimed that the primary purpose of the suits was to hamper the lawful activities of deprogrammers by forcing them to incur the expense and inconvenience of legal defense, the court held that they had sufficiently alleged an abuse of process.<sup>49</sup>

The second and third counts in *Alexander* were civil rights claims based on 42 U.S.C. § 1985(3)<sup>50</sup> and 42 U.S.C. § 1986.<sup>51</sup> These statutes create a cause of action for a private conspiracy to deprive a person or class of constitutional rights. In *Griffin v. Breckenridge*, the United States Supreme Court interpreted section 1985(3) to require "a class-based animus."<sup>52</sup> In *Alexander*, the Second Circuit refused to find that deprogrammers

<sup>44</sup> "ChamPERTY" is a bargain between a stranger and a party to a lawsuit by which the stranger pursues the party's claim in consideration of receiving part of any judgment proceeds. It is one type of "maintenance," the more general term, which refers to maintaining, supporting, or promoting another person's litigation.

634 F.2d at 677 n. 5.

<sup>45</sup> PROSSER, *supra* note 20, at 856.

<sup>46</sup> This distinguishes abuse of process from malicious prosecution since the latter applies only when the party claiming malicious prosecution wins the original lawsuit.

<sup>47</sup> 634 F.2d at 678 (citing *Dishaw v. Wakleigh*, 15 A.D. 205, 44 N.Y.S. 207 (1897) and *Bd. of Educ. v. Farmingdale Classroom Teachers Ass'n*, 38 N.Y.2d 397, 402, 405, 343 N.E.2d 278, 282, 284, 380 N.Y.S.2d 635, 641, 644 (1978) (calling *Dishaw* "a classic example of abuse of process")). However, these cases do not directly support the court's broad statement.

<sup>48</sup> 371 U.S. 415 (1963). See *supra* note 34 and accompanying text; *Peterson v. Sorlien*, 299 N.W.2d at 131, 135.

<sup>49</sup> 634 F.2d at 678. Cf. *Bd. of Educ. v. Farmingdale Classroom Teachers Ass'n*, 38 N.Y.2d at 405, 343 N.E.2d at 283-84, 380 N.Y.S.2d at 643: "[T]he deliberate premeditated infliction of economic injury without economic or social excuse or justification is an improper objective which will give rise to a cause of action for abuse of process."

<sup>50</sup> 42 U.S.C. § 1985 (3) (1979).

<sup>51</sup> 42 U.S.C. § 1986 (1976).

<sup>52</sup> 403 U.S. 88, 101 (1971).

constitute the kind of class contemplated in *Griffin*. While some courts have found discrimination against a religious group to be class-based for the purposes of section 1985(3),<sup>53</sup> this court refused to hold that the statute's protection extended to "a group of individuals . . . united by philosophical opposition to the Unification Church."<sup>54</sup> The court cited cases in which a class defined only in terms of its opposition to another class was held to be "vague and amorphous"<sup>55</sup> and "not formed on the basis of any invidious criteria."<sup>56</sup> Thus, while the federal civil rights statutes may provide redress by cult members for abuses by deprogrammers, they are not a promising source of redress by deprogrammers for abuses allegedly committed against them by cults.

The district court dismissed the fourth count, intentional infliction of emotional distress, reasoning that the maintenance of lawsuits by cult members cannot be considered "extremely outrageous" conduct, a requisite element of the tort of intentional infliction of emotional distress in New York.<sup>57</sup> The circuit court noted, however, that the complaint also alleged "constant surveillance of the plaintiffs, . . . having agents patrol the home of plaintiffs, . . . and . . . other equally outrageous activities."<sup>58</sup> The court found these allegations to be "sufficient to survive dismissal of the complaint."<sup>59</sup>

In this opinion the second circuit made no ruling on the substance of the Alexanders' claims. Rather, it required the district court to provide a forum in which to air certain complaints by deprogrammers against a religious group, in a way that will not affect the consideration of complaints by religious devotees against the deprogrammers.<sup>60</sup>

### CONCLUSION

*Peterson* has troubling implications for young adults whose religious

<sup>53</sup> See, e.g., *Weiss v. Willow Tree Civic Ass'n*, 467 F. Supp. 803, 812 (1979); *Rankin v. Howard*, 457 F. Supp. 70, 74 (D. Ariz. 1978); *Baer v. Baer*, 450 F. Supp. 481, 490-91 (N.D. Cal. 1978). *Contra*, *Ward v. Connor*, 495 F. Supp. 434, 437-38 (E.D. Va. 1980); *Weiss v. Patrick*, 453 F. Supp. 717, 723-24 (D.R.I. 1978), *aff'd mem.* 588 F.2d 818 (1st Cir. 1978), *cert. denied*, 442 U.S. 929 (1979). See also Comment, *Deprogramming of Religious Sect Members: A Private Right of Action Under Section 1985(3)*, 74 Nw. U.L. Rev. 229 (1979).

<sup>54</sup> 634 F.2d at 678.

<sup>55</sup> *Rodgers v. Tolson*, 582 F.2d 315, 317-18 (4th Cir. 1978) (class defined by the plaintiffs as those "in political and philosophical opposition to" the town commissioners).

<sup>56</sup> *Church of Scientology of Cal. v. Siegelman*, 475 F. Supp. 950, 957 (S.D.N.Y. 1979) (class described as "critics of the Church of Scientology").

<sup>57</sup> 634 F.2d at 678 (citing *Fischer v. Maloney*, 43 N.Y.2d 553, 557-58, 373 N.E.2d 1215, 1217, 402 N.Y.S.2d 991, 992-93 (1978)). See also PROSSER, *supra* note 20, at 56.

<sup>58</sup> 634 F.2d at 676.

<sup>59</sup> *Id.* at 679.

or political beliefs and practices differ from those of their parents. It is easy for parents to believe that a child who adopts unorthodox beliefs and rejects loved ones is the victim of fraud and manipulation. Yet, on the mere good faith belief that their adult child is being psychologically manipulated by a "religious or pseudoreligious cult," the Minnesota Supreme Court gave parents a license to forcefully restrain their offspring. With barely a nod to the first amendment, the court allowed an adult's religious involvement to be put on trial to exonerate the parents' tortious conduct.

In contrast, in *Alexander*, the Court of Appeals for the Second Circuit addressed some of the concerns of the *Peterson* defendants in a manner which gave due respect to the rights of all people involved by providing a forum for complaints of deprogrammers against a religious group in a suit that is separate from the complaints of religious devotees against parents and deprogrammers.

The first amendment protects persons of all religious and political beliefs including those which may be unorthodox. If there is a legitimate basis for the concerns of the parents and other supporters of deprogramming, communities should devise responses which do not compromise the legal and constitutional rights of young adults. If parents believe that the judgmental capacity of a devotee is seriously impaired, they should use legal processes designed to protect the health of one who is mentally incapacitated without denying them due process.<sup>61</sup> Nonideological counselling may be an alternative to deprogramming which is both constitutionally more acceptable and more effective than deprogramming.<sup>62</sup> Finally, the courts should be open to permit redress by devotees and religious groups as well as by deprogrammers and parents when improper conduct takes place.

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<sup>61</sup> See *Katz v. Superior Court*, 73 Cal. App. 3d 952, 983, 141 Cal. Rptr. 234, 252-53 (1977).

<sup>62</sup> See Anthony, *The Fact Pattern Behind the Deprogramming Controversy: An Analysis and An Alternative*, 9 N.Y.U. REV. L. & SOC. CHANGE 73 (1980).