

# Cults Raise Thorny Legal Issue

In the wake of the Guyana tragedy involving followers of the Rev. Jim Jones and his People's Temple movement, new attention is being given to the question of whether the government should have a role in investigating and regulating the activities of religious groups.

Ironically, it was an attempt to probe charges against the People's Temple that led to the mass deaths in Guyana. Rep. Leo Ryan (D-Calif.) had led a fact-finding mission to the Jonestown agricultural settlement to look into allegations of persons being held against their will and physical and psychological abuses.

Rep. Ryan complained that he had not been given any satisfactory answers by the U.S. State Department when he inquired what its agents had been doing to investigate the settlement in Guyana. While the U.S. Embassy in Georgetown had sent officials to the colony, they reported that they had interviewed at least 75 members of the People's Temple and that not one had expressed a desire to leave.

In recent years, the parents of youthful members of such groups as the Children of God, Hare Krishna, Church of Scientology and Unification Church have called for government investigation of the activities of such movements. In some cases, they have turned to abduction and "deprogramming" to get their children out of the groups, but this tactic has had mixed results. Courts have frequently ruled against the use of deprogramming, particularly in the case of offspring who are no longer minors.

One of the first government efforts to probe the activities of a controversial religious group culminated in the publication of a 65-page report on the Children of God by the New York State Attorney General's Office in October 1974. The report, which was based on testimony given by 74 witnesses during an 18-month investigation, charged the group with offenses ranging from sexual abuse to abduction.

At the same time, however, Attorney General Louis Lefkowitz asserted that "no direct action can be taken at this time against the Children of God because of the constitutional protection of the First Amendment."

A Lefkowitz aide commented that New York courts have ruled that "to the extent a religious group's activities involve matters of religion, we have no jurisdiction. If their activities go clearly beyond religion, such as involving commercial ventures to benefit an individual or individuals, then we can act. If the non-religious activities are criminal, however, the jurisdiction lies with the district attorneys."

In March 1977, a New York judge stressed the legal barriers against government restrictions on religious groups in dismissing charges of unlawful imprisonment that had been brought against two leaders of the Hare Krishna movement.

Judge John J. Leahy of the Queens Supreme Court Criminal Division declared that "the freedom of religion is not to be abridged because it is unconventional in its beliefs and practices or because it is approved or disapproved of by the mainstream of society or more conventional religions."

Agencies of some of the "more conventional" religious bodies have agreed. In August, 1976, a discussion paper on "religious cults" was issued by the American Lutheran Church's Office of Research and Analysis. The paper specifically focused on the Unification Church, Divine Light Mission, Children of God, Hare Krishna, and The Way International as examples of groups that have stirred concern.

"Though perhaps few persons can approve of the cults," the ALC paper said, "America has found from past experiences that such groups can be tolerated. The alternative, religious persecution, is fraught with dangers greater than toleration of the cults. If the basic legal rights of marginal religions are not protected, those of other religions become vulnerable as well. It has become increasingly difficult for the eyes of the law to distinguish religion from religion, or religion from any system of thought and practice which provides a world view and a way of life."

During the past two years, bills aimed at investigating various aspects of controversial religious groups have been introduced in state legislatures throughout the country. In all such cases thus far, the bills have died largely as a result of opposition presented by religious leaders in public hearings.

The Pennsylvania Catholic Conference was one of the opponents of measures in that state's legislature in 1977 which would have led to government investigations of so-called pseudo-religious cults. In voicing opposition to the proposed measures, the state Catholic agency asked, "If the legislators may use their subpoena and other investigative powers against one group which it says is 'pseudo-religious,' what is to prevent their proceeding against any other religious group?"

Rep. Robert N. Giaimo (D-Conn.), who has alerted the Justice Department to possible dangers of several controversial religious groups, has also acknowledged the legal difficulties of attempting to have the government deal with them. He said last year that "even if you should be able to define the type of organization that you seek to investigate, and if you are able to show that it is not being investigated because it is a religious group, another problem emerges."

The problem, according to the Roman Catholic legislator, is: "How can you prove 'brainwashing' or coercion? What appears to be coercion to one person may in fact be a sincere religious conviction. With all of its advances, medical science cannot emphatically distinguish between the two."

One of the most extensive federal probes of a religious group was conducted in the past year by the Subcommittee on International Organizations of the House Committee on International Relations. The subcommittee, which was chaired by Rep. Donald M. Fraser (D-Minn.), investigated the Unification Church in connection with a probe of South Korean influence peddling in the United States.

The subcommittee recommended that a federal interagency task force be set up to investigate what it says are apparent illegal activities of the Unification Church and its related operations. Referring to what it described as "the (Sun Myung) Moon Organization," the report cited evidence pointing to violations of U.S. tax, immigration, banking, currency, and foreign agent registration laws.

Another point made by the Congressional document was its charge that "Moon based his movement on a Church because it provides the greatest opportunity for reaching his goals... It is important to Moon's strategy to have his movement recognized as a religious one."

The actions advocated by the Fraser subcommittee would be directed against reported violations of law on the part of the Unification Church. Most civil libertarians feel that this is the only type of action that can constitutionally be taken by the government against religious groups — to punish them for violations of the law on the



Self-styled "deprogrammer" Ted Patrick demonstrates with two others in front of the White House for a federal investigation of several controversial cults which, they allege, use "mind control techniques."

same basis they would be punished if they were not religious in nature.

In the wake of the People's Temple tragedy in Guyana, President Carter stressed at a news conference that "it's unconstitutional for the government of our country to investigate or to issue laws against any group, no matter how much they might depart from normal custom, which is based on religious beliefs. The only exception is when various substantive allegations are made that the activities of those religious groups directly violate a federal law."

The President cautioned against "an overreaction because of the Jonestown tragedy by injecting government into trying to control people's religious beliefs..."

The Rev. Dean M. Kelley of the National Council of Churches, a specialist in civil and religious liberty, feels that even after what happened in Guyana it would be "rather risky" to give the Federal Bureau of Investigation (FBI) jurisdiction to conduct surveillance unless it has found "probable cause" to believe that federal crimes of violence are contemplated. According to Mr. Kelley, there is little the FBI could do legally to prevent such incidents.

One precedent for possible government regulation of religious groups was established in March 1976 by the U.S. Supreme Court, when it let stand a ruling of the Tennessee Supreme Court that "the state has the right to protect a person from himself

and to demand that he protect his own life."

The High Court voted unanimously to reject an appeal by a Tennessee congregation to allow its members to handle dangerous snakes and to drink poison as part of its religious ritual. Tennessee Supreme Court Justice Joe Henry had ruled in September, 1975 that the state "has the right to guard against the unnecessary creation of widows and orphans."

While the Holiness Church of God in Jesus Name in Carson Springs, Tenn., had asserted that its religious practices were protected by the First Amendment, the courts disagreed, ruling that the health of citizens outweighed the rights of church members to worship in a dangerous fashion.

Specialists in religious cult movements estimate that there are more than 1,000 such groups in the United States today. Thus, the problem of how to deal with them is not likely to go away, although there are no clear indications how it may be solved constitutionally.

Rep. Giaimo summed up the dilemma in 1976: "I yield to nobody in my support for those freedoms protected by the First Amendment," he said. "But what am I to say to the parents of young people who are convinced that their children are unwilling members of these cults? Is there any way, short of 'kidnapping' their own children, that these parents can talk to these young people? Am I to tell them that their government can or will do nothing?"

## Pope Honors Immaculate Conception

Rome (RNS) — In honor of the Feast of the Immaculate Conception, Pope John Paul II carried out the papal tradition of placing flowers at the base of a statue to Mary near Rome's Spanish Steps. The Spanish ambassador to the Holy See and Rome's Mayor, Giulio Argon, were on

hand to greet the pope who was welcomed by a large crowd. After placing the flowers at the statue the pope gave his blessing to the crowd.

Earlier in the day the pope discussed the meaning of the feast. He recalled that the Immaculate Conception,

which means that Mary was born without the taint of original sin, was proclaimed an article of Catholic faith by Pope Pius IX in 1854.

"Full of grace," the pope said, "what do these words mean? The evangelist Luke writes that Mary was disturbed and asked what

such a greeting meant when she heard the angel say these words. They express a special choice. Grace means a special fullness of creation through which the being which resembles God participates in the very interior life of God. Grace means the love and gift of God himself..."

## Business in the Diocese

Marilyn Polizzi has been named special events assistant for McCurdy's. A 1978 graduate of St. John Fisher College with a BA in communications — journalism, she works with McCurdy's in-house

advertising agency, writing copy for radio and television. She also is responsible for coordinating and instructing a personal care workshop for girls, 13 to 15.