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# Church Can Be Sued on Recruiting

## Beliefs Protected but Not Conduct, Justices Rule

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SAN FRANCISCO—In a major ruling on the separation of church and state, the California Supreme Court held Monday that a religious organization may be sued for fraud for allegedly "brainwashing" unknowing recruits into joining the church.

The justices ruled 6 to 1 that two former members of the Rev. Sun Myung Moon's Unification Church can proceed to trial with claims that they were tricked by recruiters who denied they were church members and then used subtle "mind-control" techniques to obtain conversions.

The court majority, in an opinion by Justice Stanley Mosk, said that while religious beliefs were entitled to full protection, religiously motivated conduct was subject to restriction by the state.

There was no constitutional barrier to a fraud suit "for deceiving non-members into subjecting themselves, without their knowledge or consent, to coercive persuasion," Mosk said.

Allowing such suits would not intrude on the beliefs of church members, Mosk said, and would pose only a "marginal" burden on religiously motivated recruiting practices.

### Protection From Fraud

Any such impediment to the constitutionally protected free exercise of religion was outweighed by the state's interest in protecting unknowing recruits from fraud and the possible risks of "brainwashing," the court said.

"While some individuals who experience coercive persuasion emerge unscathed, many others develop serious and sometimes irreversible physical and psychiatric disorders, up to and including schizophrenia, self-mutilation and suicide," Mosk wrote.

The court ruled also that one of the two former "Moonies" in the suit could sue to recover a \$6,000 donation he was allegedly deceived into making to the church.

In a sharp dissent, state appellate Judge Carl West Anderson, sitting by special appointment, said the ruling was "bad legal policy" that "unnecessarily projects the court into the arena of divining the truth or falsity of religious beliefs."