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## **Extreme Religion, Extreme Beliefs: Comparing the Role of Children’s Rights in Extremist Religions Versus Extremist Cults (QAnon)**

*Elizabeth Newland*<sup>1</sup>

### **INTRODUCTION**

The existence of extremist religious groups has posed an important question about children’s rights compared to the rights of their parents. Case law and societal expectations allow parents broad freedom to raise their children as they see fit, so long as children are not placed in situations of abuse or neglect.<sup>2</sup> In fundamentalist religions, the First and Fourteenth Amendments afford parents the right to raise their children religiously as they deem acceptable. In the triangular relationship of parent, child, and state’s rights, the parent’s right to the care and custody of child-rearing far outweighs the rights of the child or the state. Therefore, parents in religious cults have a constitutional and common law right to introduce their children to any information or beliefs that they see fit if they are not harmful to their wellbeing. This parental right can come at the cost of the psychological, mental, and emotional wellbeing of children.<sup>3</sup> For instance, parents or religious leaders can use scripture or beliefs to humiliate or embarrass a child. They might force them to give up resources or necessities, force a certain gender stereotype, sexuality, or pressure children to do things against their will, all for “the greater good” or fear of divine punishment.<sup>4</sup> This type of mental and emotional abuse is commonplace in religious cults, and can be classified as spiritual abuse.<sup>5</sup>

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<sup>2</sup> *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (ruling that parents have the ability to choose how their child is educated); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (ruling that parents have the right to raise their children, but the government can interfere when the best interest of the child is at stake); *Wisconsin v. Yoder*, 406 U.S. 205, 231 (1972) (ruling that parents have the right to raise their children under their religious beliefs at the expense of state education).

<sup>3</sup> *Signs of Spiritual Abuse*, WEBMD (Dec. 1, 2020), <https://www.webmd.com/mental-health/signs-spiritual-abuse>.

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

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

The idea of spiritual abuse must not only apply to religious cults. The same dangers of psychological control can apply to other extreme ideologies, such as radical political groups like QAnon. The growing nature of QAnon follows the formula of religious cults and exposes children to the same types of danger.

The United States' current political structure and division has paved the way for new and extreme political ideologies. Polarizing leaders like Donald Trump have allowed for new political groups to form on the left and the right. One group is QAnon,<sup>6</sup> which began in 2017 with the election of Donald Trump as the 45th President of the United States. The group snowballed from a collection of conspiracy theories to a functional cult within a matter of months.<sup>7</sup> In November 2017, a content creator and two moderators of the extreme alt-right website 4chan started to post conspiracy theories.<sup>8</sup> Over the next few months, a mysterious, all-knowing, high-ranking military official called "Q" began to take credit for these conspiracy theories.<sup>9</sup> Q has continued to spread false narratives about his opposition. One conspiracy espouses that many Democrats are pedophiles who are trafficking children and Trump is leading the war to stop them.<sup>10</sup> Members believe they must save the country from moral destruction.<sup>11</sup> Since its inception, QAnon has expanded and become more mainstream, reaching over 20,000 subscribers on one of its many Reddit channels,<sup>12</sup> and membership has increased significantly as a product of the pandemic because of added time at home to fall down the QAnon rabbit hole.<sup>13</sup> Under the surface of this community, more people are becoming entrapped into the deep, cultic side of this extreme belief. While the cult of QAnon is growing amongst right-wing adults,

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<sup>6</sup> Brandy Zadrozny & Ben Collins, *How Three Conspiracy Theorists Took 'Q' and Sparked Qanon*, NBC NEWS (Aug. 14, 2018), <https://www.nbcnews.com/tech/tech-news/how-three-conspiracy-theorists-took-q-sparked-qanon-n900531>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Kaleigh Rogers, *Trump Said QAnon 'Fights' Pedophilia. But The Group Has Made it Harder to Protect Kids*, FIVE THIRTY EIGHT (Oct. 15, 2020), <https://fivethirtyeight.com/features/qanons-obsession-with-savethechildren-is-making-it-harder-to-save-kids-from-traffickers/>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Tyler Adkisson, *QAnon Popularity Surges During Pandemic As People Stay Home, Go Online*, NEWSY (Aug. 27, 2020), <https://www.newsny.com/stories/how-qanon-s-popularity-surged-during-covid-19-pandemic/>.

there is little discussion of the children who are being raised under such an extremist ideology.

Like religious extremists, extremists based on political and social ideologies have the potential for psychological and mental abuse of children.<sup>14</sup> Parents who are part of the QAnon conspiracy-based cult put their children at risk of emotional and mental distress in a way that is comparable to traditional cults. In traditional cults, parents are given expanded freedom to raise their children under an extreme religion--with some limitations--due to the constitutional safeguards of the Fourteenth Amendment's Due Process Clause as well as the First Amendment's Freedom of Religion Clause. The Freedom of Religion Clause can allow religious cults marginally more freedom from government intervention.<sup>15</sup> Without proper constitutional protections, children raised under QAnon ideologies are at risk of emotional and mental abuse on par with spiritual abuse found in religious cults.

This article will address the role of children's fundamental rights in the context of extremist religious cults compared to extremist socio-political cults, specifically QAnon. QAnon functions as a cult based on the general characteristics and traits of the group and the members within it. First, the article will define QAnon as a cult. Then, it will discuss case law laying the framework for a parent's fundamental right to raise their child. This case law will be compared to a child's right to be free from abuse as well as the state's right to protect the child. This article will address the discrepancies in the role of extreme religion in parenting with the role of socio-political ideologies. Next, the article will address the harms of psychological, mental, and emotional abuse within cults and more specifically, how QAnon families portray this abuse. Finally, the article will advocate for increased governmental protection of children's rights in non-religious cult settings to protect them from pseudo-spiritual abuse.

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<sup>14</sup> Rebekah J. Breyer & David MacPhee, *Community Characteristics, Conservative Ideology, and Child Abuse Rates*, 41 CHILD ABUSE & NEGLECT 126, 126-127 (2015).

<sup>15</sup> *Are Cults Legal?*, HG.ORG LEGAL RES., <https://www.hg.org/legal-articles/are-cults-legal-35055#:~:text=Many%20might%20assume%20that%20cults,their%20activities%20may%20not%20be> (last visited Apr. 2, 2022).

## I. DEFINING QANON AS A CULT

A cult is defined as, “an organization whose stated mission is religious, political, philosophical or psychotherapeutic, with a covert mission to accumulate wealth and/or power to benefit its leadership.”<sup>16</sup> However, cults generally do not define themselves as a “cult” as the term typically carries an explosive and hostile connotation.<sup>17</sup> Most people do not willfully sign up to be a cult member; they look to join organizations of similarly-minded people.<sup>18</sup> While all cults are different and there are no bright-line qualifications that characterize a cult, they all thrive on the idea of control and the furtherance of the leader’s vision.<sup>19</sup> Cults control people by furthering a philosophy that promotes the loss of individual identity for the betterment of the group.<sup>20</sup> While no one defining factor indicates that a group is a cult, there are specific attributes that most have.<sup>21</sup> Cults generally follow a central, charismatic, authoritarian leader with characteristics that show dominance over others, have a loyal following, and make absolute claims about their abilities.<sup>22</sup> The cult introduces its members to new and unusual beliefs, which lead them to believe that they possess the ultimate truth about the world.<sup>23</sup> This can be done by identifying new and unique trademarks specific to the group, oftentimes through vocabulary and clothing.<sup>24</sup> Additionally, cults practice social separatism and elitism by maintaining the idea of the “outside” public versus the righteous “inside” members.<sup>25</sup>

Under this framework, QAnon is a cult. Members follow a charismatic leader, as is typical in cults. There are two quasi-religious figures in QAnon: Donald Trump and Q,

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<sup>16</sup> Susan Landa, *Children and Cults: A Practical Guide*, 29 J. FAM. L. 591, 593 (1991).

<sup>17</sup> Jayanti Tamm, *What Is a Cult? Recognizing and Avoiding Unhealthy Groups*, HUFFINGTON POST (June, 14 2011), [https://www.huffpost.com/entry/the-c-word\\_2\\_b\\_848340](https://www.huffpost.com/entry/the-c-word_2_b_848340).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Landa, *supra* note 16, at 594.

<sup>22</sup> *Id.* at 595.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

an unnamed high-powered and all-knowing military official.<sup>26</sup> Q started the QAnon conspiracy by alleging that the world is run by a cabal of Satan-worshipping pedophiles, mainly within the Democratic Party.<sup>27</sup> Q continues to lead the cult by unveiling new conspiracies and directing his followers how to act.<sup>28</sup> Members also follow Donald Trump in a prophetic fashion, with the most zealous followers believing Q and Trump to be omnipotent.<sup>29</sup> As part of this unity, QAnon members have their own vocabulary that signals to others that they are part of this group.<sup>30</sup> They have unique key phrases like, “WWGIWGA” (“Where we go one, we go all”).<sup>31</sup> QAnon members are encouraged to “dig deeper” to find the truth, a difficult task among all the “fake news” and propaganda they believe the media is feeding the country.<sup>32</sup> The most intense members are willing to negate their sense of self-identity in exchange for the furtherance of QAnon’s purpose, which they describe as “saving God’s children.”<sup>33</sup> QAnon promotes the belief that all people will finally become enlightened and see the truth as part of a “Great Awakening.”<sup>34</sup> Many cults take expansive and violent actions to further their mission.<sup>35</sup> QAnon follows this model, as they expected and helped plan the January 6<sup>th</sup> insurrection.<sup>36</sup> QAnon encompasses many of the critical characteristics of a cult and will be considered a cult for this comparison.

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<sup>26</sup> Jason Blazakis, *Op-Ed: Why QAnon’s Similarity to Other Cults Makes it a Significant National Security Threat*, L.A. TIMES (Feb. 21, 2021), <https://www.latimes.com/opinion/story/2021-02-21/qanon-cults-capitol-attack-trump-threat>.

<sup>27</sup> Alex Henderson, *Half of Trump Supporters Believe Baseless QAnon Pedophilia Claim About Democrats: Poll*, SALON (Oct. 20, 2020), [https://www.salon.com/2020/10/20/half-of-trump-supporters-believe-baseless-qanon-pedophilia-claim-about-democrats-poll\\_partner/](https://www.salon.com/2020/10/20/half-of-trump-supporters-believe-baseless-qanon-pedophilia-claim-about-democrats-poll_partner/).

<sup>28</sup> Blazakis, *supra* note 26.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

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

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

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

## II. CASE LAW AND FUNDAMENTAL RIGHTS: PARENT VS. STATE VS. CHILD RIGHTS

Parents in cults have some constitutional protections regarding child rearing. The Supreme Court has repeatedly found that parents have the right to instill in their children the ideas and values that are important to them. There is a longstanding history of substantive due process rights under the Fourteenth Amendment which grant parents the right to raise their children as they see fit.<sup>37</sup> This power falls within the fundamental right to raise children and have a family, including parent's ability to raise their children in the religion they choose.<sup>38</sup> Parents' ability to raise their children religiously stems from both the Fourteenth Amendment as well as the First Amendment's Establishment and Free Exercise Clauses.<sup>39</sup> Without a basis of abuse or neglect, the power of the government falls second to that of parents. In most cases regarding the fundamental right to privacy and family matters, children's rights take a backseat to their parents' wishes. However, the state can step into family matters when the child's best interest is at stake or if the parents' ideologies harm the child.

The first direct instance of the Supreme Court expressly allowing parents to make decisions for their children came in *Meyer v. Nebraska* (1923). The Court in *Meyer v. Nebraska* asserted that parents have a substantive due process right to the care, custody, and control of their children.<sup>40</sup> The Court made clear that parents have a fundamental liberty interest under the Fourteenth Amendment to bring up their children how they choose, including the right to choose their education.<sup>41</sup> The *Meyer* ruling gave parents a

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<sup>37</sup> U.S. CONST. amend. XIV, § 1 (No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall and State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (ruling that parents have the ability to choose how their child is educated); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (ruling that parents have the right to raise their children, but the government can interfere when the best interest of the child is at stake); *Wisconsin v. Yoder*, 406 U.S. 205, 231 (1972) (ruling that parents have the right to raise their children under their religious beliefs at the expense of state education).

<sup>38</sup> *Meyer*, 262 U.S. at 399 (1923).

<sup>39</sup> U.S. CONST. amend. XIV, § 1; U.S. CONST. amend. I § 1. 4.1.

<sup>40</sup> *See Meyer*, 262 U.S. at 401.

<sup>41</sup> *Id.* at 399.

wide range of discretion encompassing the rights and duty to raise their children as they saw fit.<sup>42</sup> While this case specifically addressed parents' choice to allow their child to learn a foreign language, this fundamental right of parental control recognized by the Court lies at the basis of a parent and child's familial rights analysis.

Shortly after the Supreme Court decided *Meyer*, it reeled in the unfettered power of parental rights with its decision in *Prince v. Massachusetts*.<sup>43</sup> In *Prince*, the Court stated that while the care, custody, and control of the child first resides in the parents' Fourteenth Amendment zone of privacy, this right is not absolute, and the state can restrict it.<sup>44</sup> The state can limit parents' rights through an overarching *parens patriae* power when the child's best interest is at stake.<sup>45</sup> *Parens patriae* is the state's power to act as a parent to the child and ensure their best interest.<sup>46</sup> The case involved a parental figure allowing a minor, for whom she was legally responsible, to pass out religious pamphlets on the street.<sup>47</sup> The Court recognized the parent's right to religious freedom with the flyers; however, it held that the state ultimately has a greater interest in ensuring the safety and wellbeing of all children.<sup>48</sup> The state can restrict harmful activities, even in the context of First Amendment protections.<sup>49</sup> The Court emphasized that the right to parenting remains a liberty interest until there is clear justification for concern about the child.<sup>50</sup>

The Supreme Court continued to emphasize the importance of a parent's right to educate their children in its decision in *Wisconsin v. Yoder*.<sup>51</sup> In *Wisconsin v. Yoder*, the

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<sup>42</sup> *Id.* (“Corresponding to the right of control, it is the natural duty of the parent to give his children education suitable to their station in life . . . .”)

<sup>43</sup> *Prince v. Massachusetts*, 321 U.S. 158 (1944).

<sup>44</sup> *Id.* at 166.

<sup>45</sup> *Id.*; *Santosky v. Kramer*, 455 U.S. 745, 766 (1982) (States have an interest in furthering the welfare of a child).

<sup>46</sup> *Parens Patriae*, BLACK'S LAW DICTIONARY (2nd ed. 1910), <https://thelawdictionary.org/?s=parens+patriae> (last visited Apr. 3, 2022).

<sup>47</sup> *Prince*, 321 U.S. at 161.

<sup>48</sup> *Id.* at 166, 168-69.

<sup>49</sup> *Id.* at 168-69.

<sup>50</sup> *Id.* at 166; “In accordance with the Supreme Court, Maryland has declared that a parent's interest in raising a child is a fundamental right that cannot be taken away unless clearly justified.” *Boswell v. Boswell*, 721 A.2d 662, 669 (1998).

<sup>51</sup> *Wisconsin v. Yoder*, 406 U.S. 205, 231 (1972).



Court ultimately found in favor of parents' choice to raise their children under the Amish faith at the expense of traditional schooling. In this case, the government interfered with an Amish parent's decision to allow their eighth-grade child to stop attending school.<sup>52</sup> The Court held that the government has a right to compel children to go to school; however, parents ultimately have the right to claim that compulsive education interferes with the religious upbringing of their children.<sup>53</sup> This decision emphasizes that a parent's right to religion is more important than a state-sanctioned education and indicates a strengthening of fundamental parental liberties to raise their children.

In contrast, there is little Supreme Court case law indicating that children have any constitutional rights in relation to their parents. One of the few cases addressing children's constitutional rights is the 1973 Supreme Court decision *Bellotti v. Baird*, which stated that the United States Constitution applies to minors as well as adults.<sup>54</sup> This case involved a child's ability to have an abortion without parental consent.<sup>55</sup> While the holding is limited, it is the first time the Court specifically stated that children should be afforded some protections under the Constitution, and that their parents should not hold absolute power over decision-making. This is only one case in which a child's right to choose is given precedence over the parent's right to make decisions.<sup>56</sup>

A child's right to be free from parental abuse and neglect stems from a mix of governmental authority. The Supreme Court held in *DeShaney v. Winnebago County Department of Social Services* that the state did not have a constitutional duty to protect victims of child abuse.<sup>57</sup> In this case, a father beat his young child to death and the child's mother brought a case against the state for failure to intervene.<sup>58</sup> Read broadly, the Court

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<sup>52</sup> *Id.* at 207-08.

<sup>53</sup> *Id.* at 218.

<sup>54</sup> *Bellotti v. Baird*, 443 U.S. 622, 650 (1979).

<sup>55</sup> *Id.* at 626.

<sup>56</sup> Many states recognize the mature minor doctrine, which "allows a minor to make decisions about his or her health and welfare, if they can show that they are mature enough to make a decision on their own." *Mature-Minor Doctrine Law and Legal Definition*, USLEGAL, <https://definitions.uslegal.com/m/mature-minor-doctrine/> (last visited May 16, 2022). The mature minor doctrine is often used in medical procedure settings. *Id.*

<sup>57</sup> *DeShaney v. Winnebago Cnty. Dept. of Soc. Servs.*, 489 U.S. 189, 202 (1989).

<sup>58</sup> *Id.* at 193.

held that the Constitution does not legally require a state to protect its citizens from harm, including protecting children from abuse by another private citizen.<sup>59</sup> While this ruling indicated that a child does not have a cause of action against the state in cases of failed intervention, the legislative branch, through its administrative agencies, allows for child protection against an abusive parent. This legislative protection is shown through a mix of federal and state laws put in place to protect children.<sup>60</sup> These provisions include the role of mandated reporters, the Child Abuse and Prevention Treatment Act (CAPTA), Family First Prevention Services Act, as well as specific state laws enacted to protect a child's right to be free from abuse and neglect.<sup>61</sup>

The Supreme Court has laid a mixed precedent regarding parental rights, children's rights, and religious rights. In short, the Court has emphasized the importance of parental family integrity and religious freedom in child-rearing.

### III. FUNDAMENTAL RIGHTS IN RELIGIOUS CULTS AND NON-RELIGIOUS CULTS

#### A. *Religion in Child Protection Cases*

As shown through Supreme Court case law, there is a universal deference to the parent in decisions regarding religion and upbringing.<sup>62</sup> The line for what is considered immediate and dangerous abuse is not clear. Parents' rights and ideologies are still favored in an extremist religious context. For example, the Yearning for Zion (YFZ) cult, which is associated with the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS)<sup>63</sup> shows the potential disconnect between child wellbeing and religious freedom.

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<sup>59</sup> *Id.* at 197.

<sup>60</sup> *Federal Laws*, CHILD WELFARE INFO. GATEWAY, <https://www.childwelfare.gov/topics/systemwide/laws-policies/federal/> (last visited Apr. 2, 2022); Child Abuse and Prevention Act, 42 U.S.C. Chapter 67, §5106a (b)(2)(B)(i); See generally, CHILD.'S BUREAU, U.S. DEP'T OF HEALTH & HUM. SERVS., LINKS TO STATE AND TRIBAL CHILD WELFARE LAW AND POLICY (2021), <https://www.childwelfare.gov/pubPDFs/resources.pdf>.

<sup>61</sup> *Supra* note 60.

<sup>62</sup> *Supra* note 37.

<sup>63</sup> *In re Steed*, No. 03-08-00235-CV, 2008 WL 2132014, at \*1 (Tex. Ct. App. May 22, 2008).

This cult was the subject of a high profile child protection case in 2008.<sup>64</sup> A child involved in this cult called the Texas Department of Family and Protective Services to report abuse.<sup>65</sup> Even though only one child filed the initial report, the Department's report found that twenty of the females living at the YFZ compound became pregnant while they were minors.<sup>66</sup> In response, the Department removed all 468 children from the community.<sup>67</sup> The Department considered the one reported case of abuse to apply to all children living at YFZ, without any further evidence of imminent harm or danger of abuse to justify their removal.<sup>68</sup> The Department workers used the belief that the FLDS church engaged in a pervasive and inappropriate belief system that poses a threat to children as the basis for removal.<sup>69</sup> The Texas Supreme Court ultimately ruled that there was no evidence for the removal of all the children, and they should be immediately returned to their families.<sup>70</sup> The government's actions in this case show the precarity of balancing fundamental rights. The state attempted to protect a child from abuse by intruding upon a parent's right to free exercise of religion for themselves and their children. While doing so, the state specifically targeted and discriminated against the religious group's unconventional ideologies, as opposed to a concrete act of harm, violating the groups' Constitutionally protected rights.<sup>71</sup> Here, the parents' right to religion and upbringing of their children outweighed the dangers of extremist beliefs.

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<sup>64</sup> See generally, *id.*

<sup>65</sup> *Id.* at \*3.

<sup>66</sup> *Id.* at \*2.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at \*3.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *ACLU Statement on the Government's Actions Regarding the Yearning For Zion Ranch in El Dorado, Texas*, ACLU, <https://www.aclu.org/other/aclu-statement-governments-actions-regarding-yearning-zion-ranch-eldorado-texas> (last visited Apr. 3, 2022). "State officials have an important obligation to protect children against abuse. However, such actions should not be indiscriminately targeted against a group as a whole particularly when the group is perceived as being different or unusual. Actions should be based on concrete evidence of harm and not based upon prejudice against religious or other communities." *Id.*

### ***B. Religion in Child Custody Cases***

In a differing but related context of child custody proceedings, religion can only be considered in custody disputes when it poses a threat to a child's safety or wellbeing.<sup>72</sup> This is a very specific, jurisdictionally-based threshold and is considered under three lenses: the actual or substantial harm approach, the risk of harm approach, and the no harm required custodial preference approach.<sup>73</sup> Under the actual or substantial harm approach, a court will restrict a parent's right to follow a religion only if there is evidence of the religion causing actual or substantial harm to the child.<sup>74</sup> This allows for judicial intervention on matters of parental religious choice yet is still largely deferential to the desire of the parents, as long as there is no actual harm to the child's physical or mental welfare. While not directly aligned to the above case, the Texas Supreme Court's ruling in *In re Steed* is analogous to the actual or substantial harm approach because the Court made it clear that because the YFZ did not cause any actual harm or abuse to the majority of the children in the cult, they could not be removed from the custody of their parents on religious grounds.<sup>75</sup> There was no evidence of any harm to the child's psyche.<sup>76</sup> In the risk of harm approach, courts have the ability to restrict a parent's religious right to raise a child if the child might be harmed in some manner in the future.<sup>77</sup> While the impact of the religion might not be felt now, this approach recognizes there is the potential for future abuse, mistreatment, or psychological issues due to the pressures of religion, and religion can therefore be considered in custody cases.<sup>78</sup> This application allows for more childhood autonomy because it can preempt issues of wellbeing that might arise out of

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<sup>72</sup> *Can Religion Affect Child Custody*, BOYD LAW, <https://www.boydlawlosangeles.com/can-religion-affect-child-custody/#:~:text=Generally%2C%20the%20courts%20should%20not,his%20or%20her%20best%20interests> (last visited Apr. 3, 2022).

<sup>73</sup> Joshua S. Press, *The Uses and Abuses of Religion in Child Custody Cases: Parents Outside the Wall of Separation*, 84 IND. L.J. 47, 50 (2009).

<sup>74</sup> *Id.* at 50-51.

<sup>75</sup> *Steed*, 2008 WL 2132014, at \*3.

<sup>76</sup> *Id.*

<sup>77</sup> Press, *supra* note 73, at 53.

<sup>78</sup> *Id.*

religion. Finally, the last standard in child custody is the no harm required custodial preference approach. In this application, courts do not apply either analysis above but rather assess religious practices based solely on the custodial parent's religious beliefs.<sup>79</sup> This analysis gives almost unfettered control to a parent's religious decision making. While these three parental religious analyses apply in child custody cases, the foundation of the actual harm test versus the risk of harm approach accurately represents the court's approach to cases involving extremist religious beliefs and has the potential to lay the groundwork for a more comprehensive understanding of fundamental rights in these spaces.

### ***C. Relating the Right to Religion to QAnon***

The freedom of religion inherent in cults is analogous to the freedom of speech or association that is the basis of QAnon. At its core, QAnon is not tied to religion; however, it is propelled and supported by religious faith.<sup>80</sup> Many QAnon followers use the language and tenets of Evangelical Christianity as the basis for their beliefs.<sup>81</sup> They use scripture and the belief in a higher power to meld the concepts of a political cult and a religious ideology.<sup>82</sup> This ingrained religious component further allows for the comparison of the politically-centered cult to those that are religious based, even though it is not actually a religious cult. The law still considers the safety and welfare of children in non-religious cults, and parents still have the right to raise their children under any ideology they see fit under the First Amendment's freedom of association clause. In child custody cases, parents have had their rights limited or terminated due to their extremist political ideologies when their beliefs and practices are not in the child's best interest.<sup>83</sup>

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<sup>79</sup> *Id.*

<sup>80</sup> Adrienne LaFrance, *The Prophecies of Q*, ATLANTIC (May 14, 2020), <https://www.theatlantic.com/magazine/archive/2020/06/qanon-nothing-can-stop-what-is-coming/610567/>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Eugene Volokh, *Parent-Child Speech and Child Custody Speech Restrictions*, 81 N.Y.U.L. REV. 631, 635-36 (2006).

This limitation of parental rights has stemmed from: racist speech, communism, and Nazi affiliation.<sup>84</sup> This framework can and should be considered in the lens of children's safety and wellbeing stemming from a parent's involvement in QAnon. It should be considered because far-reaching and all-encompassing ideologies can harm how children develop, mentally and emotionally.<sup>85</sup> However, most child custody and Supreme Court fundamental right to parent cases are reviewed under the First Amendment's freedom of religion clause.

The fundamental right to parent is strongest when it is attached to the right to practice religion.<sup>86</sup> Courts have a harder time placing freedom of association claims as opposed to freedom of religion claims due to limitations on discrimination and hate speech, both of which are significant aspects of QAnon.<sup>87</sup> Parents have a stronger guarantee to the fundamental right to parent when it is coupled with the First Amendment right of religion, allowing for less protection against mental and spiritual abuse in religious cults.<sup>88</sup> Without the added protection of religion, there should be more concern about a child's mental and psychological wellbeing due to their parent's extreme involvement in QAnon.

#### **IV. ISSUES OF PSYCHOLOGICAL AND MENTAL ABUSE IN CULTS: HOW THIS IS PORTRAYED IN QANON INDOCTRINATED FAMILIES**

QAnon gives extremist parents an outlet to discover a new world and form new bonds with like-minded believers.<sup>89</sup> As in traditional cults, certain people are predisposed to becoming indoctrinated in the teachings of QAnon. Common traits that link cult members are the need to be unique, the search for certainty in an uncertain world, the

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<sup>84</sup> *Id.*

<sup>85</sup> James G. Dwyer, *Parents' Religion and Children's Welfare: Debunking the Doctrine of Parents' Rights*, 82 CAL. L. REV. 1371, 1428 (1994), <http://www.cirp.org/library/legal/dwyer2/>.

<sup>86</sup> *Id.* at 1371.

<sup>87</sup> David L. Hudson Jr., *Freedom of Association*, THE FIRST AMEND. ENCYCLOPEDIA (2009), <https://www.mtsu.edu/first-amendment/article/1594/freedom-of-association>.

<sup>88</sup> Dwyer, *supra* note 85, at 1416.

<sup>89</sup> Joe Pierre, *What Kind of Person Believes in QAnon?* PSYCH. TODAY (Sept. 23, 2020), <https://www.psychologytoday.com/us/blog/psych-unseen/202009/what-kind-person-believes-in-qanon>.

need for control, and a lack of analytical thinking.<sup>90</sup> For QAnon and conspiracy-based cults specifically, there is a strong sense of mistrust in the government, authority, and those around them.<sup>91</sup> They form habits and cognitive dissonance akin to alcoholism and video game addiction.<sup>92</sup> This QAnon addiction can fracture families by forcing younger members “down the rabbit hole,” spreading terrifying misinformation, and threatening to cut off familial contact for breaking extremist rules.<sup>93</sup>

While QAnon is still a new cult and there are no studies on the long-term impacts of children who grew up in a household under the organization’s full grip, the experiences of adult children with member parents greatly reflects the mentally abusive tendencies found in traditional cults. The stories of these adult children, who can speak up and remove themselves from their parents' situations, recognize the classic abusive and control techniques their parents use as a mechanism of perpetuating the QAnon cult to their children.<sup>94</sup>

Cults generally predispose children towards abusive practices because of their control-based culture.<sup>95</sup> Children with parents in cults are often indoctrinated into believing authority figures are saints.<sup>96</sup> QAnon members often believe that Donald Trump and Q himself are prophets or supreme saints, sent to lead America, and the world, to salvation and truth.<sup>97</sup> This narrative of a political figure being the savior is particularly detrimental to young children, as they are generally malleable and impressionable. The paranoid tendencies of parents involved in QAnon force their children to believe and almost worship far right leaders who promote the ideologies of discrimination and hate.<sup>98</sup>

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<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> Salvador Rodriguez, *QAnon and Anti-Vaxxers Brainwashed Kids Stuck at Home – Now Teachers Have to Deprogram Them*, CNBC (Sept. 7, 2021), <https://www.cnbc.com/2021/09/04/qanon-and-anti-vaxxers-brainwashed-kids-stuck-at-home-during-pandemic.html>.

<sup>94</sup> Jesselyn Cook, *‘I Miss My Mom’: Children of QAnon Believers Are Desperately Trying to Deradicalize Their Own Parents*, HUFFINGTON POST (Feb. 11, 2021), [https://www.huffpost.com/entry/children-of-qanon-believers\\_n\\_601078e9c5b6c5586aa49077](https://www.huffpost.com/entry/children-of-qanon-believers_n_601078e9c5b6c5586aa49077).

<sup>95</sup> See generally, Landa *supra* note 16.

<sup>96</sup> Landa, *supra* note 16, at 608.

<sup>97</sup> See generally, LaFrance, *supra* note 80.

<sup>98</sup> See generally, *Id.*

Socio-political cults also isolate children, both physically and mentally, from so-called “outsiders” in society.<sup>99</sup> A hallmark of spiritual abuse is an “us versus them” mentality in reference to people within the religious group and those outside the group.<sup>100</sup> This is done to ensure that children are only being exposed to ideologies that support their parents’ extreme views.<sup>101</sup> The children are taught that the cult is good, and the outside world is evil.<sup>102</sup> More specifically for QAnon members, that Donald Trump and Q are the saviors, and all other leaders are evil. In many religious fundamentalist groups, general mistrust of the government encourages parents to keep their children away from government influence and instead insulate them in their beliefs and community.<sup>103</sup> The same is true for QAnon parents with school-age children. This isolation has been especially noticeable during the pandemic. The isolation is most noticeable through school mask and vaccine mandates. A far-right parent organization with strong ties to QAnon held a press conference in August 2021 advocating for a strike of the public school system due to mask mandates.<sup>104</sup> The parents believe that the government is infringing on their fundamental right to parent by imposing these requirements.<sup>105</sup> They advocate for the removal of children from public schools in favor of homeschooling pods with like-minded individuals.<sup>106</sup> Director Cindy Chafian believes that the public school system has turned into “nothing more than a reeducation camp for Marxist indoctrination.”<sup>107</sup> While not true of all homeschooling, the fundamentalist rationale for leaving the public school sphere in favor of a like-minded one can lead to less tolerant,

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<sup>99</sup> Landa, *supra* note 16.

<sup>100</sup> Mackenzi Kingdon, *Shame and Silence: Recognizing Spiritual Abuse*, GOODTHERAPY (Feb. 1, 2017), <https://www.goodtherapy.org/blog/shame-and-silence-recognizing-spiritual-abuse-0201175>.

<sup>101</sup> *Id.*

<sup>102</sup> Ashley Allen, *Impact on Children of Being Born Into/Raised in Cultic Group*, INT’L CULTIC STUD. ASS’N (2016), <https://www.icsahome.com/articles/impact-on-children-of-being-born-into-raised-in-a-cultic-group-docx>.

<sup>103</sup> Robert Kunzman, *Homeschooling and Religious Fundamentalism*, 3 INT’L ELEC. J. ELEM. EDUC. 17, 21 (2010).

<sup>104</sup> Melissa Frick, *Moms for America Action Group Calls for Parents to ‘Strike’ Against K-12 Schools that Mandate Masking*, MLIVE (Aug. 19, 2021), <https://www.mlive.com/news/grand-rapids/2021/08/moms-for-america-action-group-calls-for-parents-to-strike-against-k-12-schools-that-mandate-masking.html>.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*



less civic-minded individuals.<sup>108</sup> Parents who believe in QAnon and remove their child from any interaction that does not further their ideologies put the child at risk of mental manipulation due to their inability to interact with others with different beliefs. This is yet another similarity to an indicator of spiritual abuse: stifling a child's interest and ability to learn about other cultures, ideas, and people.<sup>109</sup>

QAnon continues to follow the problematic patterns of many cults by encouraging members to act in certain ways to prevent familial bonds.<sup>110</sup> The cult finds family within the larger group, not within their biological family unit. Members bond under the guidance of their deity-like leader, who tells them how to live their life.<sup>111</sup> Teenage children often feel isolated and disconnected from their families as they watch them succumb to QAnon.<sup>112</sup> These adults often stop taking care of themselves, stop seeing their children or grandchildren, and lose complete control of their relationships.<sup>113</sup> This extreme breakdown of the family can lead to instability and emotional or mental neglect to children in these homes. Grown children who attempt to help their parents out of QAnon are met with threats and hostility.<sup>114</sup> This reality puts children, both living at home and already living on their own, in a position to conform to their parent's ideals and emotional manipulation.<sup>115</sup>

The level of control QAnon has on parents reaches an economic level as in traditional cults. Some members believed in a new cryptocurrency based economic system called NESARA that put them deeply in debt and opened them up to immense scams.<sup>116</sup> Another economic scam that many extremist QAnon supporters have fallen

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<sup>108</sup> Catherine J. Ross, *Fundamentalist Challenges to Core Democratic Values: Exit and Homeschooling*, 18 WM. & MARY BILL RTS. J. 991, 1000, 1004-05, 1013 (2010).

<sup>109</sup> Kingdon, *supra* note 100.

<sup>110</sup> Landa, *supra* note 16, at 612.

<sup>111</sup> Cook, *supra* note 94.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> Nick Backovic & Joe Ondrak, *NESARA and the Business of False Hope: Why Times of Austerity and Pandemic Create Fertile Ground for Die-Hard Scams*, LOGICALLY (Sept. 3, 2020), <https://www.logically.ai/articles/nesara-and-the-business-of-false-hope>.

prey to is the resurgence of the Iraqi Dinar.<sup>117</sup> This scam had followers sinking thousands of dollars investing in the Iraqi Dinar, thinking that the currency would sky rocket and they would become millionaires.<sup>118</sup> Financial loss from scams can potentially lead to financial insecurity in families, adding another layer of stress to the child's home stability and mental wellness.<sup>119</sup> There is a strong connection between adults who embrace QAnon and deeper psychological and mental problems.<sup>120</sup> Children become separated and estranged from their parents.<sup>121</sup> This continues to add to the dissolution of the family unit and infringes on familial integrity and a child's right to be free from abuse and neglect.

Additionally, QAnon members can display violent tendencies that impact the well-being of their children.<sup>122</sup> Adults under this influence have taken extreme measures regarding the safety of their families. Messages from Q have led parents to kidnap and kill their children to "save the world."<sup>123</sup> While this extreme action might not be normal, the lack of critical thinking and independent processing by parents leads children to dangerous situations where their safety is at risk.<sup>124</sup> This propensity for violence in the cult is also shown through the "Storm," which was the idea behind the insurrection.<sup>125</sup> The "Storm" followed Trump's loss to President Biden, and was an event where Trump's enemies would be tried and executed.<sup>126</sup> This idea culminated in the storming of the

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<sup>117</sup> Will Sommer, *Trump Fans Sink Savings Into 'Iraqi Dinar' Scam*, DAILY BEAST (Mar. 20, 2019), <https://www.thedailybeast.com/trump-fans-sink-savings-into-iraqi-dinar-scam>.

<sup>118</sup> *Id.*

<sup>119</sup> Trinity College Dublin, *Economic Pressure and Stress Caused By Poverty Directly Impacts Children as Well as Parents*, PHYS ORG (Feb. 10, 2022), <https://phys.org/news/2022-02-economic-pressure-stress-poverty-impacts.html>.

<sup>120</sup> Sophia Moskalenko, *Many QAnon Followers Report Having Mental Health Diagnoses*, THE CONVERSATION, (Mar. 25, 2021), <https://theconversation.com/many-qanon-followers-report-having-mental-health-diagnoses-157299>.

<sup>121</sup> Cook, *supra* note 94.

<sup>122</sup> See Joe Hernandez, *A California Father Claims QAnon Conspiracy Led Him to Kill His 2 Children, FBI Says*, NPR (Aug. 13, 2021), <https://www.npr.org/2021/08/13/1027133867/children-dead-father-claims-qanon-conspiracy-led-him-to-kill>.

<sup>123</sup> *Id.*

<sup>124</sup> Lois Beckett, *QAnon: A Timeline of Violence Linked to the Conspiracy Theory*, GUARDIAN (Oct. 16, 2020), <https://www.theguardian.com/us-news/2020/oct/15/qanon-violence-crimes-timeline>.

<sup>125</sup> Michael Kunzelman & Nomaan Merchant, *US Intel Report Warns of More Violence by QAnon Followers*, AP NEWS (June 14, 2021), <https://apnews.com/article/government-and-politics-donald-trump-joe-biden-violence-religion-33093d606470be4bc0cd8df6a474a097>.

<sup>126</sup> *Id.*

capital on the January 6, 2021.<sup>127</sup> Ideas of kidnapping, physically overthrowing the government, and violence as a mechanism for change are commonplace in QAnon.<sup>128</sup> The violent tendencies of adults and parents who follow QAnon lead to confusion, frustration, and harm to those under their care.<sup>129</sup>

QAnon closely follows the framework of religious cults, including the factors causing long-lasting psychological and mental harm. Children who grow up under such conditions must tailor their personalities and identities to meet the approval of their cult-affiliated parents.<sup>130</sup> The psychological impact of being raised in a cult household runs deep. QAnon forces a culture of fear, control, and uniformity on those within its reach. The mental ramifications of the cult has the potential to strongly overstep a child's right to be free from emotional abuse in their home.<sup>131</sup> Extremist views can impact children's mental health and their ability to have a safe and loving relationship with their parents. This is due to the mental and emotional toil of fighting misinformation and political brainwashing their parents in QAnon face. This mental hardship must be accounted for when considering a child's fundamental right to be free from abuse and neglect in their home.

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<sup>127</sup> *Id.*

<sup>128</sup> Beckett, *supra* note 124.

<sup>129</sup> *Id.*

<sup>130</sup> Lorna Goldberg, *Raised in Cultic Groups: The Impact on the Development of Certain Aspects of Character*, SPIRITUAL ABUSE RES. (2006), <https://www.spiritualabuseresources.com/articles/raised-in-cultic-groups-the-impact-on-the-development-of-certain-aspects>.

<sup>131</sup> CAPTA Reauthorization Act of 2010, Pub. L. No. 111-320, 124 Stat. 3459 § 5101 (codified as amended in scattered sections of 42 U.S.C.) (defining abuse, with emotional abuse included in the definition). Most states include emotional abuse as part of their definition of abuse or neglect. See CHILD.'S BUREAU, U.S. DEP'T OF HEALTH AND HUM. SERVS., DEFINITIONS OF CHILD ABUSE AND NEGLECT (2019), <https://www.childwelfare.gov/pubpdfs/define.pdf>. The common language used to define this term is, "injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition." *Id.* at 3.

## V. CONCLUSION: ADVOCATING FOR AN INCREASE IN THE VALUE OF CHILDREN'S RIGHTS IN NON-RELIGIOUS CULT SETTINGS

The government has adopted a hands-off approach to monitoring cults and cult-like groups, especially in the wake of increased First Amendment freedom of religion claims. The right to religious freedom coupled with the Fourteenth Amendment's fundamental right to parent has put cults as far from government interference as legally allowable. This governmental approach to cults, religious and socio-political, puts children in harm's way. Mental and emotional abuse can be overlooked in these settings as children have not had time to adequately process what is happening. Children raised under extremist political cults can be left with long-term psychological impacts, similar to children raised under religious cults.

One way the government can address this growing problem and protect children from spiritual abuse is to put more weight on children's fundamental rights as people. As shown from case law, substantive due process allows parents almost unfettered power over raising their children. The main limitation on parents' right to raise their children is that children have the right to be free from abuse and neglect. There is little precedent protecting children's rights under the Fourteenth Amendment, and therefore, there is a higher potential for children to be trapped in environments that harm their socio-emotional development. There needs to be an increase in Supreme Court caselaw protecting children's rights to be free from abuse as well as considering their desires and needs along with what their parents want. The judicial system should further extend its holding in *Bellotti v. Baird*, solidifying the Constitution's application to children. Courts should go beyond the scope of the case, and more equitably balance the fundamental rights shared between parent and child. This might entail more cases reaching the Supreme Court that specifically discuss children's rights versus their parent's rights. It might also mean a reexamination or overturning of *DeShaney v. Winnebago* to emphasize the idea that a child has the right to be free from abuse at the hands of their parents and that it is partly the responsibility of the state to protect this right. The Court should

definitively and concretely hold that children have rights comparable to their parents, including the right to be free from physical, emotional, and psychological injuries.

Another policy change that courts could make to protect children from the harmful impact of QAnon and other cults is to adopt a system that more closely resembles the one governing child custody and parental religion. While this approach is currently used in family court regarding how religion should impact child custody, it could also be used in the context of an identifiable cult. Courts should analyze child protection claims related to cults using the risk of harm analysis, and child services departments should instruct their workers to do the same. This would give greater deference to the child and their current and future wellbeing. A change in policy also would ensure that the child is not unnecessarily exposed to environments that will impact them beyond what the eye can see. Spiritual abuse should be combated as heavily as physical abuse, especially in organizations where the mental abuse is more common. Extending the standard used to analyze religion in child custody cases to apply to cults would protect their immediate needs and their future wellbeing in both child custody and child protection cases.

Finally, the government should focus resources on increasing both federal and local surveillance of cults. In the trifecta of the parent, child, and government, the government should lean into its *parens patriae* power in relation to cults. The government can step into unsafe family situations, and this power should be expanded upon and used more liberally in a cult setting. This can be done through studying and scrutinizing formal cults through child protection lenses to identify patterns and indicators of mental abuse. While some might say increased surveillance and monitoring of these groups will infringe upon First Amendment and Fourteenth Amendment Rights, the government has a compelling interest in ensuring children are raised in a safe and stable environment where they can become civic-minded individuals ready to participate in the democratic society.

These proposals call for a drastic change in the child welfare and dependency court process as well as increased legislative action. It would require a substantial step in

government control and surveillance and would likely encounter constitutional challenges. This is a multifaceted issue, with no simple solution. Therefore, the government should cast a wide policy net and overall further regulate cult activity and parenting to protect the mental and emotional health and wellbeing of the children within.

Cults pose an incredible threat to the children raised under its grasp. The need for conformity, mind control tactics, and violent tendencies by adults can pave the way for psychological abuse of those involved. The government has less barriers with regards to the regulation of QAnon because this cult is not protected by the freedom of religion clause of the First Amendment. Parents can raise their children with the values and ideas that they see fit. However, parents can perpetuate extreme and dangerous ideologies, and a child's right to be free from all forms of abuse must take precedent over a parent's right to raise their child. Children have the right to be free from the emotional and mental abuse that can rise from parental indoctrination in QAnon.