

# Has FDA Bungled the Scientology Church Case?

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It was more than eight years ago, here in Washington, on Jan. 4, 1963, that a group of Baltimore longshoremen who had been deputized by officials of the Federal Food and Drug Administration staged one of the most bizarre raids in American history.

The contingent, escorted by motorcycle policemen, entered a church on 19th Street NW and the residences of its ministers and began grabbing the church's scriptures, confessional aids and documents, loading them into two waiting vans. Some of the items of religion were taken from the ministers themselves.

The FDA contingent entered the premises without prior warning while services were being held and on the basis of a warrant to which there were no affidavits attached by any one who had complained against the church.

## What Prompted It?

Had the incident occurred at St. Matthew's Cathedral or Washington Cathedral, the entire country would have felt a sense of rage. Instead, it was staged on a church that at best was referred to as a cult — an "off-beat" one at that. The raid was on the Founding Church of Scientology.

What precipitated this strange event in a country that has taken pride in its record of

zealously guarding religious liberty?

First of all, the FDA thought it had valid grounds on which to act, since the agency is charged with protecting the health interests of the American public. They made the raid on the notion that they were seizing a "device" with which the then tiny cult was trying to defraud the public.

## INTERPRETATION

The literature the FDA agents confiscated proved to be the scriptures of the cult. Only the FDA charged that it was really "labeling" which was used to give "false" and "misleading" information about the E-meter, an auditing mechanism resembling a simple lie detector.

Instead of it being a "device," as the FDA has tagged it, Scientologists look at the meter in an altogether different light, make no claims for it with regard to healing, as the FDA alleges, and the church has never offered it for sale to the public, as it also is charged by the government agency.

The Rev. Robert Thomas, deputy guardian of the U.S. Churches of Scientology, describes the E-meter as a religious artifact which is believed to be "an article of faith of the church, to divine the spiritual state and activity of the parishioner, but in no way

influencing, affecting, or altering the structure of the mind or the body."

Scientology officials strongly object to the manner in which FDA has handled the case. Most of all, they believe it is not any business of the government, since on Feb. 5, 1969, the U.S. Court of Appeals ruled that the Founding Church of Scientology is a religious organization—"a bona fide religion."

## Had No Warning

It is the custom of FDA officials, when they have grievances against manufacturers of drugs or items for human consumption to consult with them and seek to work out a mutually agreed-upon solution. The Scientologists had no advance warning, they say, that FDA had found grievances with the church, although undercover agents had joined it and other agents had asked numerous questions.

The case has been in the courts ever since the church officials obtained an injunction to restrain the FDA from burning the confiscated E-meters and the literature.

## Never Made Claims

Even though the court ruled that Scientology is a church and entitled to the freedom of worship privileges of a church, FDA continues to press its case. A civil action is set for hearing on June 7 in the U.S. District Court.



—Star Photographer Pete Schmick

Scientology minister Arthur Maren, right, tests an E-meter with Ron Baker, a parishioner.

In the pre-trial brief, Attorney John Matonis argues that the FDA should not be permitted to prove its claims about the religion by taking parts of one book or document "out of context." He contends that the 20 different publications which were confiscated must be taken as a whole, for as a whole

they constitute the church's scripture.

In a broader sense, he argues the government is violating the Constitution in even examining the "wrongness" or "rightness" of a church's scriptures. He argued this would be unthinkable if the Catholic Church or some

well-recognized church were involved.

Matonis' arguments for the church, however, stress that at no time has the church, which now claims 3.5 million "formal" and "informal" members, made claims that the E-meter can effect healing. Likewise, the meter never has been offered by the church

for sale, but is used only by ministers who monitor the progress of those who have entered the Scientology program.

The religion is eclectic in nature, operating primarily from an Eastern philosophical and cultural base—most directly in the discourses of Gautama Buddha. It is predicated on the assumption that man is basically good, that he is seeking to survive, but that he is encumbered by painful past previous existence experiences and his sins against others. It is held that man is his own immortal soul (Tibetan).

It is the aim, then, of Scientology ministers to assist parishioners in having the Theta "cleared" of its encumbrances bringing that person into harmony with the Source of Life. The E-meter only helps the minister and the "pre-clear" monitor his progress, much the way a lie detector registers its data. The meter has no active role in the process and has never been represented to have any such role.

Matonis sees a strong analogy between this "electric religious artifact" and the holy wafer and the wine of the Catholic and many Protestant churches, except that in some of those churches, overt claims that these elements are not altogether passive in the individual's religious experience are made. Scientology, he said, makes no such claims, and yet it is challenged while the other religions are not.

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