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USE OF DEVICE CHALLENGED: The "E-meter," an electrical instrument similar to the lie detector, used by Scientologists, being demonstrated by group's head, the Rev. Robert H. Thomas. Food and Drug Administration case contends group made false statements about "E-meter's" use. At right is Rev. Arthur J. Maren, minister of sect.

Scientologists and F.D.A. Clash in Court

By EDWARD B. FISKE

Special to the New York Times

WASHINGTON, June 7—The eight-year legal battle between the Food and Drug Administration and the Church of Scientology moved into the Federal District Court here today with the Government arguing that counseling methods used by the church constituted a "substantial public hazard."

Attorneys for the Scientologists, however, are pressing for the release of electronic devices and literature seized by Federal marshals in January, 1963. They called the devices integral to religious practice and argued that the seizure constituted a violation of constitutionally guaranteed freedom of religious exercise.

In an opening statement, Nathan Dodell, the Assistant United States Attorney who is arguing the Government's case, told Judge Gerhard Gesell that the religious group had made a "massive number of false and misleading statements" about its so-called "E-meter."

Mr. Dodell contended that the church had unjustifiably promised an "easy route" to the healing of various mental and physical diseases and that this constituted a violation of the restrictions on "false and misleading labeling" under the Food, Drug and Cosmetic Act. The "E-meter," also known as an "electrometer," is a skin galvanometer that measures changes in the electrical resistance of a subject's skin and is similar to devices used in lie detector tests.

The meter, which is contained in a small wooden box about 10 inches wide, is used by the church's clergymen in personal counseling. They maintain that by monitoring an individual's answers to questions, the meter enables them to identify areas of emotional stress and to facilitate the

person's progress toward self-knowledge and other forms of spiritual growth.

A key issue in the case is whether the use of the device is secular or religious. The Scientologists say that their claims for healing have been made in the name of their entire religious-philosophical system, not one device that is part of its application, and that they are thus protected by the First Amendment.

The Government has maintained that whether Scientology is a religion is irrelevant, and that the claims for the E-meter are fraught with "false and pseudo-scientific representations." In arguments this afternoon, Mr. Dodell charged that the church "makes claims on a secular base and then defends them on a religious base."

In questioning, however, Judge Gesell pressed him to suggest criteria by which to distinguish the use of the E-meter from the rest of the religion and thereby avoid a situation in which the court would appear to be ruling on the validity of religious belief and practice.

Scientology, a system of thought that was created by L. Ron Hubbard, asserts that man is essentially a free and immortal spirit. It maintains, however, that to achieve his true nature, an individual must free himself of emotional encumbrances from the past through counseling, or "auditing."

The movement was incorporated as a religion, and the founding Church of Scientology was established in 1955 in the District of Columbia. The group now purports to have 19 churches and 90 missions in this country with 300 active clergymen and 3.5 million members.

The current case has been under litigation since 1963,

when F.D.A. agents and United States marshals seized about 100 of the battery-operated E-meters and about two tons of church literature. The latter has been cited by the Government as evidence of "mislabeling" of the electronic devices.