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FDA Seizure Of E-Meters Is Reversed

By Thomas W. Lippman
Washington Post Staff Writer

The U.S. Court of Appeals ruled yesterday that since the Scientology organization had made a case—uncontested by the Government—that it was a religion, a 1963 raid on its headquarters was illegal because it violated its constitutional rights.

In a much-publicized raid on Jan. 4, 1963, agents from the Food and Drug Administration seized so-called "E-meters" and stacks of literature from the headquarters of the Founding Church of Scientology here.

The FDA charged at the time that the Scientologists made false claims of curative powers for the seized machines. The Scientologists challenged the seizure in court, but lost in a jury trial.

Constitutional Guarantee

The Appellate Court ruled yesterday that the organization was protected by the Constitutional guarantee of freedom of religion, since it had established a case that it was a religion and the Government failed to challenge that claim.

The Government maintained that it made no difference whether or not Scientology was a religion, saying that the organization's actions were subject nonetheless to FDA controls.

Judge J. Skelly Wright, who wrote the Court's 28-page opinion, said that since the Government chose not to try to disprove the claim, the organization's publications had to be treated as "doctrinal religious literature."

"Literature setting forth religious doctrines," Judge Wright said, "... cannot be subjected to courtroom evaluation" or be considered "labeling" of the implements used in the Founding Church's practices.

Seized the 'E-Meter'

The Founding Church's headquarters are still in the 1800 block of 19th Street nw.

The agents in the raid seized writings of L. Ron Hubbard, the founder of the organization, which the Government said made false claims about the healing powers of a machine called the "Hubbard Electrometer" or "E-meter." They also seized the machines.

After the 1967 jury trial, Judge John J. Sirica signed

an order permitting the government to confiscate the material and destroy it, but granted a stay pending the appeal.

Judge Wright, in his review of the case, said the Founding Church's argument was that the machines were used only in a process known as "auditing," or mental and spiritual diagnosis.

Akin to Confession

"In their view," he said, "auditing or processing is a central practice of their religion, akin to confession in the Catholic church, and hence entirely exempt from regulation or prohibition."

"They have conceded that the E-meter is of no use in the diagnosis or treatment of diseases as such, and have argued that it was never put forward as having such use. Auditing or processing, in their view, treats the spirit of man, not his body, though the healing of the spirit the body can be affected."

The seized literature set forth those beliefs, he said, and therefore was entitled to be regarded as scripture until proved otherwise. Moreover, he said, "The Founding Church of Scientology is incorporated as a church in the District of Columbia, and its ministers are qualified to perform marriages and burials."

No General Exemption

Not all actions of churches are exempt from Government control, Judge Wright said, but "scripture" cannot be used as the basis for exerting that control. He specifically declined to rule that Scientology is a religion for all legal purposes.

He was joined in his opinion by Judge Spottswood E. Robinson III.

Judge Carl McGowan, dissenting, wrote that "this proceeding did not involve an inquisition into the validity of any personal religious beliefs, or the infliction of a punishment upon any person for holding or disseminating such beliefs. It was a proceeding against property under a Congressional statute aimed at protecting the unsophisticated against not only wasting their money but more importantly, endangering their lives by relying on misbranded machines."

THE NEW YORK TIMES SATURDAY JULY 31 1971

SCIENTOLOGY WINS APPEAL ON METER

Large Scores Use of Device Not Upholds the Court

WASHINGTON, July 30 — The Supreme Court today rejected a challenge by the Church of Scientology to a Federal court ruling that the use of a "meter" by the church's members was a violation of the Federal Food, Drug and Cosmetic Act. The court's decision, by a 5-4 vote, was a major victory for the church, which has long claimed that the meter is a religious device.

The court's decision was a 5-4 vote. The majority opinion, written by Justice Brennan, held that the use of the meter was not a violation of the act. The dissenting opinion, written by Justice Brennan, held that the use of the meter was a violation of the act.

Intrusion on Religion Cited

If a church uses a pool of water in its rituals and the members of the church are not allowed to use the water for other purposes, the church is not violating the law, the judge said. A degree of intrusion will therefore be allowed, but the church and its members will lose their religious freedom if they are allowed to use the water for other purposes. The use of the meter in the church's rituals is a violation of the law, the judge said.

The court's decision is a major victory for the church, which has long claimed that the meter is a religious device. The court's decision is a major victory for the church, which has long claimed that the meter is a religious device.

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Fat fighters mine pots of gold

(Continued from Page 1F)

"One nice feature of our program," she continues, "is that it's not one of those diets where you have to eat anything. You're limited to 500 calories a day, but if you don't want that much, fine. You don't really have to eat anything at all."

"That's just lovely," mumbles the pseudo-patient.

"You won't be hungry," she emphasizes in a lecturing tone, "because the HCG in the injection releases 3,000 calories a day from the fat you have stored."

"THE FEE for the month is \$135, in advance. That includes the physical. We feel people are more motivated, more committed, when they've paid in advance."

The HCG (human chorionic gonadotropin) diet is not this physician's own invention. It was introduced in Britain, flourishes on the Continent and has advocates in many major American cities.

The advocates, however, are generally limited to those physicians raking in the hefty fees.

Not that HCG is necessarily dangerous to the average patient. It is a medically accepted drug derived from the urine of pregnant women, used to treat menstrual irregularity in women and impotency in men.

But general medical opinion on its use in weight control is highly skeptical.

"THEY PROBABLY do have some successes," says University of Michigan's Dr. David E. Scheingardt, associate professor of endocrinology and metabolism. "But on 500 calories a day, who wouldn't lose weight?"

For those fatties not attracted by injections and the pill route there are other alternatives.

Hypnotism, for example.

The hypnosis consultant is a slight, gray-haired gentleman who shares a small northwest Detroit office building with a hypnotist-chiropractor.

In his paneled, dimly lit office he explains the theory of hypnosis and the working of the subconscious mind.

"YOU CAN compare the mind to a balance scale," he says, drawing one in the air. "On one side are white marbles. Those are the good thoughts. On the other side are black marbles, the bad thoughts. You want to keep that balance even."

He explores the particular problem — overweight — and describes the difference between the deep trance used to anesthetize surgery patients and the very light trance induced when working on behavior patterns, like smoking and eating.

The introductory phase complete, he leads the patient to one corner of the room and stands behind her back, grasping her shoulders.

"You are a young tree swaying in the breeze. The only movable part is your ankles." And he guides the fat sapling in lazy circular swayings.

"Now there is a big gust of wind from the front. It's pushing you back."

The patient, to oblige, falls gently back into his arms.

"Wonderful," he says.

"That shows that you're suggestible and that you trust me. We couldn't have gone any farther if you didn't."

THEN ON to an oversized reclining chair, deliciously comfortable.

"You've just been chased for a mile by two men with big clubs. If they'd caught you they would have beaten you, but now you're safe."

And so on. Constant suggestions to relax, the limbs are heavy, the closed eyes see only black clouds.

Then begins the reducing rhetoric.

"You will eat only half what you're eating now. No sweet desserts. You will not be hungry. You will savor each bite of food and chew very slowly."

After some 15 or 20 minutes, the session is over. The patient, honestly feeling quite refreshed, pays \$20.

(And, sad to say, indulges in a chocolate marshmallow sundae with walnuts later that evening.)

HYPNOTISM HAS gained the increasing respect of both medical men and behavioral scientists in recent years, practitioners still struggle to escape the old taint of hypnotism-as-a-party-prank.

There is a professional society, the Association to Advance Ethical Hypnosis, dedicated to that goal. The consultant mentioned, who has practiced for 40 years, is among the members.

Nor is there any question but that hypnosis can be a valuable tool in surgery, dentistry, obstetrics and learning. But what about unlearning bad habits?

"THERE HAS never been a comprehensive study done on the effectiveness of hypnosis in treating obesity," says Dr. Richard B. Stuart, a behavior therapist at U. of M. "Without experimental data, it's probably too early to make any judgment."

"But I do feel the hypnotist should have some kind of professional standing — doctor, psychiatrist, psychologist, social worker — when dealing with a complex problem like obesity."

And he adds that the first step in any reducing program should be a visit to the doctor for a thorough physical.

When all else has failed and the fatty totters on the brink of despair, some try praying the pounds away.

The Church of Scientology, a bustling storefront operation on Livernois near Seven Mile Road, might be such a spiritual refuge.

SCIENTOLOGY is not a religion, exactly, but a philosophy supposedly compatible with all religions. Nor does one pray.

The supplicant is audited, a process which involves responding to a list of questions on family and lifestyle while firmly grasping an empty soup can in each hand. The cans are wired to a meter. Readings are recorded by the auditor.

The idea is to reveal those areas causing problems for the applicant and open them up for discussion in further auditing sessions.

Which costs money.

"The basic course is \$25. It gets more expensive the further along you go," explains the auditor presiding at the introductory session.

The applicant is then turned over to a young man in priestly collar, black pants and shirt and brown cowboy boots.

"There was a definite reading here on this question about overweight," he says.

Good guess, since the individual had proclaimed since walking in the front door that she was looking for aid in coping with a weight problem.

"I'M SURE we could help you," he continues, and then guides the conversation to the movement's need for funds to advance the cause.

More orthodox religious counseling might be less colorful, but would it really be more constructive?

Most clergyman consulted by obese parishioners simply refer them to the family doctor, the same choice made by many people who wish to reduce.

But is it always a wise choice?

Barb was 16 years old, five feet tall and weighed 145 pounds, still attractive beneath the pudginess. Very sensibly, she supposed, she visited the same G.P. her family had consulted for years when she decided to diet.

He gave her a physical and talked about calorie intake, prescribed a vitamin shot, which he insisted was necessary, and handed her a two-week supply of pills, the appetite suppressant Tenuate.

She was to return every two weeks for a shot and more pills.

WITHIN THREE months she was down to 105 pounds and quit going to the doctor. Six months later the scale hit 145 again.

Back to the doctor. More pills and shots.

That was three years ago.

Her weight stabilized long ago between 105 and 110. She is not getting the shots any-

more, nor is she dieting, though she agonizes over each morsel of food she eats.

But she still visits the doctor at least once a month for a small supply of the pseudo-amphetamines. He dispenses them readily.

BARB FEELS she is psychologically hooked. She

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Takes Up Where Dianetics Leaves Off

Scientology—Spiritual Healing of Mental Ills

By MARILYN BRAYNE
Day Staff Writer

How's your Survival Quotient lately?

Do you really like your wife, family, group possessions and even yourself?

Are they "really real" to you? Or do you walk around in a daze, out of touch with our environment?

Do you communicate freely and honestly with others?

If you can honestly answer "yes" to all three, then you're surviving better than the average bear. Even if it's just a whisper, survival is what life's all about.

It's what Dianetics and Scientology are all about, too. Dianetics, the modern science of mental health, heals the psychosomatic and emotional disorders of a person as a body. Then Scientology, the first religious technology, takes over to rehabilitate the person as a spirit (or thetan.)

Four Dynamics (simply a "listener") and he gives confessional which are called "auditing."

The confessional auditing is not merely the recounting of sins. The purpose is to make a person more spiritually free. A free person is not one who is plagued by guilt feelings — he is one who has faced his wrongs.

Because Scientology believes that all men are good, a person instinctively knows what is right and wrong.

— The urge to survive through all life forms (even the flies you swat)

— The drive for survival of the universe or MEST (matter-energy-space-time.)

— The urge to survive for a Supreme Being.

In Scientology, the Supreme Being is not an anthropomorphised God with white beard and long flowing robes. The Supreme Being is more of a Buddhistic nature — each individual finds God in himself.

No Afterlife

Scientology has no dogma about heaven, hell or an afterlife. The accent is on the here and now. But if a person wants to believe in an afterlife, it's perfectly acceptable.

The link between Dianetics and Scientology is spiritual. When one recovers from a psychosomatic ill, it was discovered to be a spiritual recovery. An individual as thetan is one who can heal mentally caused ill.

The techniques of Scientology are similar to Dianetic pastoral counseling. A scientology minister is called an auditor (simply a "listener") and he gives confessional which are called "auditing."

There's no need from the auditor to tell him. If, for instance, a person rationalizes a wrong because "it was justified" by wrongs the other had done to him, he eventually realizes in confession why he was evading the blame.

Scientology auditing, or processing, proceeds by grades or stages of "release, for example, is the ability to communicate freely with anyone on any subject, Grade I release is the ability to recognize problems and make them vanish. And so one until a person reaches the highest Scientology level: Clear.

Attained Freedom
A clear is defined as "the ability to be a cause over mental matter, energy, space and time on the first dynamic (survival for self). Basically, this means that the person has attained maximum freedom as a spirit.

No auditor is needed to become a clear — the person audits himself. The "clearing ground" for clears is the advanced church organization in Los Angeles.

Clears are a remarkable phenomenon. It's hard to figure them out at first, because they smile all the time. Only after you talk to them do

you realize that they're not grinning idiots at all, but just serenely peaceful individuals.

A clear has completely erased his reactive mind. The only way he can get an engram is by pain-drug hypnosis. (An engram is a cellular impression of a painful experience that causes psychosomatic and emotional ill.)

In Two Years

Rev. James Meisler, minister of public relations of the Church of Scientology of New York, was cleared in two years. He was a man of average intelligence when he first joined the church, but now he's a borderline genius with an IQ of 140.

"I can solve problems very easily," said Meisler. "I can look at a situation, see the component parts and work it out instantly without ever getting stuck. I enjoy having freedom. If I had unlimited freedom and no barriers I'd be bored."

Scientology could conceivably be called "spiritual psychotherapy." As a matter of fact, Hubbard originally offered the auditing techniques to psychology. But to this day, psychology doesn't use them.

"The trouble with psychology is that there are no standards," said Meisler. "In court, for every two doctors who say a defendant is sane, you can find two others who claim he's insane.

"In mental hospitals, if they just gave the patients a thorough physical exam, it would prove that their psychosis is merely physical or psychosomatic pain," he continued. "You can't cure it by drugs, shocks or cutting out parts of the brain."

By Definition
The Scientology definition of insanity is the inability to recognize differences, similarities and identities — that is, if a person insisted on calling a stove a television and watched Johnny Carson through the oven window.

Scientology does not handle medical problems or mental disorders caused by physical defects. If a person complains of an illness, he is given a complete medical examination before he enters therapy.

"Auditing is the main, but not the only, business of Scientology. As you might have guessed, the church ceremonies are not very ceremonial. There is very little ritual and no real prayer.

Still, Scientology performs many of the functions of traditional churches: marriage ceremonies, funerals, christenings and the like.

Scientology is not only non-denominational, it has been called A.I.L. denominational. Often a person holds on to his regular religion, in addition to Scientology. Sunday services are held in the evening so they don't conflict with a person's other religious services.

Double Anomaly

There are 19 churches in the U.S. and 90 missions with 3½ million members. That figure doubles every year.

An unusual offshoot of Scientology is Narconon, a drug rehabilitation program. Narconon was organized in 1966 by William Benitez, a prisoner at Arizona State Penitentiary.

Benitez had a long history of drug use. He was in and out of prisons from the age of 13 to his final release at 33. His wife died of an overdose of heroin. During his last stay at the Arizona prison, he happened to read a book by Hubbard. He applied the techniques of

Scientology to drug rehabilitation.

In the first four years of Narconon at the Arizona prison, only eight of the 57 graduates returned to prison and only two are back on drugs. That's more than a 90 per cent cure of addiction.

Two other Narconon programs have been set up in California institutes and others are being organized. Meisler is investigating the need for a Narconon program in the New London area.