

Los Angeles Times

Los Angeles Times
Metro
LOCAL NEWS
EDITORIALS
CC PART II †
THURSDAY, JULY 28, 1977

FBI's Church Raid in Capital Ruled Illegal

BY ROBERT RAWITCH
Times Staff Writer

The Church of Scientology won a major victory Wednesday when a Washington, D.C., federal judge ruled that an FBI raid July 8 on the church's headquarters there was based on an illegally broad search warrant.

U.S. Dist. Judge William B. Bryant ordered the FBI to return all those documents seized in the Washington raid, but then stayed his order for 10 days to give the Justice Department an opportunity to appeal his ruling.

In previous hearings and again Wednesday, Bryant expressed harsh criticism of the search warrant authorizing the raids which sought documents about the church allegedly stolen by church members from Justice Department and Internal Revenue Service files.

The same warrant, based on information from a former high church official turned government informant, was used to conduct raids on two church locations in Los Angeles in which thousands of documents also were seized.

It was not immediately clear what effect Bryant's ruling would have on the material seized in Los Angeles, which, in addition to the documents, included eavesdropping equipment, dossiers on government officials and lock-picking tools.

Please Turn to Page 4, Col. 6

Scientologists Win Key Court Battle

Continued from First Page

Although the search warrant specified 148 documents particularly sought by authorities from all three locations, it also included what the judge called one "catch-all" directive authorizing agents to take any evidence relating to the crimes of conspiracy, obstruction or justice of thefts of government property.

Bryant said such a provision "invited the agents to seize any documents in this church's files that struck their fancy."

The judge noted that one aim of the searches was to gather evidence of admittedly vague alleged criminal conspiracies by persons connected with the church.

But, he said, despite the difficulty of drawing up a warrant specific enough to meet prohibitions in the Fourth Amendment against unreasonable search and seizure, the requirements of the amendment could not be disregarded for the sake of prosecutorial convenience.

The Washington search by the FBI "transcends the outer limits" of what is allowed by the law, the judge added.

Church officials were jubilant over Bryant's ruling and predicted that U.S. Dist. Judge Malcolm M. Lucas also will declare the Los Angeles raids illegal at an Aug. 8 hearing in local federal court.

"The whole episode bears out the church's continuing contention that government agencies have been conspiring and acting illegally toward the Church of Scientology," said church attorney Phil Herschkopf in Washington. "The warrant is so plainly illegal that it would be a travesty on the taxpayer for the government to appeal the matter."

Another church official hailed Bryant's ruling as an "indispensable landmark decision against agencies seeking to subvert the law" and called it a "victory not only for the Church of Scientology, but for every person and group that has been the target of repression by federal agencies."

The 23-year-old church, founded by science fiction writer L. Ron Hubbard, considers itself an applied religious philosophy which seeks to increase an individual's self-knowledge and self-awareness.

Throughout the church's controversial existence it has been at odds with various federal agencies, particularly the Internal Revenue Service, which has constantly scrutinized the church's right to tax-exempt status.

In recent years, the church has filed numerous suits to obtain government files kept on it and has received thousands of pages from various federal agencies.

But an FBI affidavit filed with the search warrant alleged that the highest officials of the church conspired from 1974 to 1976 to infiltrate government offices and burglarize federal files to obtain documents kept on the church that could not be obtained through legal channels.

Michael Meisner, the church official turned informant, has told authorities that he took part in and coordinated covert activities by the church to obtain government files in Washington, D.C.

Meisner is now in protective custody and living under an assumed name because he fears for his life.

On the basis of Bryant's ruling, attorneys for the church asked Judge Lucas Wednesday afternoon to take custody of the thousands of documents seized in the Los Angeles raids, but Lucas declined to do so.

Church attorney Robert Sarno argued that the church could not "trust" the FBI to abide by an earlier court order from Lucas that the documents not be used for any purpose other than criminal investigation.

Further, since the Washington raid was held to be illegal, Sarno said, the government should be precluded from using the files in any way.

Sarno also said he believed since the search warrants and affidavits in all three raids were identical that Bryant's ruling that the Washington raid was illegal should be binding on Lucas.

The judge would not commit himself on that issue, but he asked Sarno and Asst. U.S. Atty. Richard A. Stills to submit written arguments on the issue.