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U.S. Agencies Told to Give Data to Judge

'I Just Don't Believe' Federal Claims on Files Sought by Church, Jurist Says

BY ROBERT RAWITCH
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Declaring "there is something fishy going on" and he can no longer believe the government, a Los Angeles federal judge Monday ordered three federal agencies to give him documents being withheld from the Church of Scientology.

"I'm not going to accept anything the government tells me in this case," said U.S. Dist. Judge Warren J. Ferguson, "because it has gotten to the point I just don't believe them."

At issue in the Freedom of Information Act suit filed by the church are at least six documents withheld by the U.S. Army, nine by the Department of Defense and 80 to 90 kept by the State Department.

The church has filed 23 such suits across the nation and has already received more than 40,000 documents from various agencies. However, many of those agencies have withheld certain documents, claiming various exemptions cited in the Freedom of Information Act and its 1975 amendments.

"In these three cases (involving the Army, the Department of Defense and the State Department) something fishy is going on," Ferguson told

Asst. U.S. Atty. James Stotter II, "and I'm going to find out what is fishy."

"I'm not going to take the word of your client (the government)," the judge added.

Ferguson did not state if he had any specific suspicions why the government might be improperly withholding the documents in question.

Last year, he ruled in favor of the Drug Enforcement Administration's refusal to hand over certain documents to the church, although he characterized most of the withheld data as "silly and innocuous."

Stotter told the court it has been Justice Department policy not to voluntarily submit withheld documents to judges for their inspection prior to court rulings on a motion for summary judgment.

As the result of Ferguson's order, he said, other plaintiffs in similar suits may ask other judges to review thousands of pages of documents, placing a heavy burden on the courts.

Ferguson responded that his order would set no precedent and in no way bind other judges.

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"I'm going to see those documents because I am not going to believe your client," the judge repeated.

The judge said the federal government's "obstinance" in the case already had caused his court to devote a tremendous amount of time on the case needlessly.

Stotter and representatives of the U.S. Army and Defense Department were ordered to come to court with the documents in question for a closed hearing May 27, after which the judge will decide if the data should be turned over to the Church of Scientology.

At a future date, the judge said he will privately examine the larger quantity of documents being withheld by the State Department.

The church has maintained that the federal government for years has been collecting data about it, much of which is inaccurate but nevertheless has been used to discredit the church.

A church spokesman Monday accused the federal government of using "dirty tricks" and discouraging the use of the Freedom of Information Act by forcing citizens into court rather than voluntarily giving up requested files.

(Atty. Gen. Griffin Bell last week announced the Justice Department would be drawing up new guidelines on dealing with Freedom of Information Act requests to avoid forcing so many into the federal court system.)

Several instances were cited by the church in which federal agencies initially informed it that the agency had no files on the church, but subsequent litigation proved otherwise. In other instances, federal courts have ordered the release of information that agencies had withheld, citing various exemptions in the act.

"One file from the U.S. Labor Department claimed Scientologists take LSD at opening ceremonies and shoot people who disagree with their religion," Jeff Friedman, a church spokesman, said.

Friedman said it was discovered the report was compiled from a phone call to the Labor Department by an official of the Internal Revenue Service and that the report was the basis for preventing Scientology ministers from immigrating to the United States.

The Labor Department wrote a formal apology for the falsehood, the file was destroyed and the immigration proceeding was opened up, Friedman said.