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9 Scientologists OK Conviction So They Can Appeal

BY ROBERT L. JACKSON
Times Staff Writer

WASHINGTON—Nine leaders of the Church of Scientology, in a rare legal maneuver, have agreed to be found guilty by a federal judge on reduced charges of conspiracy and theft as an outgrowth of their long battle with the federal government over allegedly stolen U.S. documents.

Under a procedure called a "stipulated record," the defendants agreed to be found guilty after the government presented its case in a written court record without challenge or a trial, which could have lasted six to nine months.

The defendants then will be able to appeal their convictions to the U.S. Circuit Court of Appeals, which, they hope, will overturn them on the grounds that church offices were unlawfully searched by FBI agents two years ago.

The settlement, reached through plea bargaining, was disclosed Monday by U.S. Dist. Judge Charles R. Richey.

However, prosecutors said they were unhappy with the agreement approved by Richey and would contest its validity because, among other things, defense lawyers had not met a Justice Department deadline for accepting the stipulated record agreement.

Phillip J. Hirschkop, a Washington civil liberties lawyer and leader of the defense team, called the settlement "extremely reasonable" and said he was "delighted with the outcome."

Most of the defendants are from Los Angeles, where the FBI seized 48,000 documents in raids on church offices in July, 1977. Those documents were to form the basis of a trial in which the Scientologists were

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charged with stealing government papers and planting bugging devices and spies in government offices.

Last month Richey ruled that FBI agents had conducted the raids in a lawful manner and that their search warrants did not violate the defendants' Fourth Amendment protection against unlawful searches.

Defense sources said that Richey's ruling dashed any hopes the Scientologists had of acquittal at trial. Had they pleaded guilty, they would have lost their right of appeal.

That ruling—announced Sept. 13—opened the door for federal prosecutors to demonstrate at trial that many documents found in church filing cabinets had been stolen from offices of the Internal Revenue Service and the Department of Justice.

The Church of Scientology, which claims 3 million members, has sought to show that government agents have harassed the religious sect. According to the indictment, the Scientologists tried to prove this by pilfering and photocopying internal government documents.

Although the original indictment contained 28 criminal counts, the court-approved settlement provides that eight defendants can be found guilty by Richey of one conspiracy count each.

The eight are Henning Heldt and Duke Snider (no relation to the former baseball player), both of Los Angeles; Richard Weigand of Van Nuys; Gerald Bennett Wolfe of Arleta; Gregory Willardson of Beverly Hills; Cindy Raymond and Mitchell Hermann, both of Hollywood, and Mrs. L. Ron Hubbard, wife of the Scientology founder. She lives in New York.

Each could receive a maximum sentence of five years in jail and a \$10,000 fine.

In addition, Sharon Thomas of Los Angeles has agreed to be found guilty of an unspecified misdemeanor charge of theft.

The church, in a statement, said that it welcomed the court-approved settlement as a means of obtaining an appellate court decision on the 1977 FBI raids.

Richey disclosed the settlement after conducting closed hearings for a week into whether government and defense attorneys had a valid agreement for resolving the case.