

Clearwater Sun

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Scientology suit ruling expected this month

By JEFF MANGUM
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TAMPA—The Church of Scientology and the City of Clearwater traded legal jabs Friday in a hearing over the city's charitable solicitation ordinance, with U.S. District Judge Elizabeth A. Kovachevich promising to rule on the measure constitutionality by March 31.

"The very evils this ordinance seeks to prevent are rampant within the city limits of Clearwater," Chief Assistant City Attorney Frank Kowalski declared, citing reports of fraud alleged against the sect during May 1982 City Commission hearings.

Those hearings and subsequent months of debate preceded City Commission adoption of the measure last Oct. 6.

"Fraud is a very vague term, but the court has been very clear about what municipalities can and cannot do," argued Eric Lieberman, an attorney for the Church of Scientology.

Government has no business delving

into "the interaction of spiritual and intellectual relationships," Lieberman said, quoting the late U.S. Supreme Court Justice William O. Douglas.

The Church of Scientology filed suit in federal court against the city on Jan. 23. Three days earlier, the Americans United for Separation of Church and State, the National Council of Churches, the American Jewish Committee and the Suncoast Baptist Church of Clearwater filed a similar action.

Enforcement of the ordinance was placed on hold Jan. 25 until the lawsuits are resolved.

Lee Boothby, an attorney representing the other organizations, argued Friday that the measure imposes a "chilling effect" on religious and charitable fundraising.

Registration requirements under the ordinance will make groups reluctant to solicit in Clearwater, Boothby said.

Under the measure, groups raising more than \$10,000 a year among the public must register with the city. The



JUDGE KOVACHEVICH

city attorney is empowered to seek a court order to obtain financial records if ten or more complaints are lodged against a group.

"Hustler" magazine publisher Larry Flynt would have an easier time selling his publication in Clearwater than reli-

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* Suit

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gious groups would have collecting funds, Boothby claimed, because he would not be subject to city perusal of his finances under the ordinance.

Provisions in the ordinance also fit the legal test of being vague, Boothby said, because "men of common intelligence must necessarily guess at its meaning."

Lieberman attacked the discretion afforded the city attorney in investigating complaints lodged against a group.

"It is our position that this, of course, was intentional," Lieberman added.

But John T. Blakely, a local attorney representing the city,

dismissed claims of excessive church-state entanglement raised by the plaintiffs.

"The city attorney is not going to be in peoples' offices on a day-to-day basis," Blakely said. "Only if people complain they've been defrauded" will the city investigate, he said.

Picking up on Boothby's "Hustler" comment, Blakely said there is a striking difference in the cases: The public has no doubt that money spent on the magazine goes to private coffers; they don't know about money given to some charities.

"We are requiring registration and reporting," Kowalski continued, "to let the public know who is collecting their money and where the money is going."

Friday's three-hour hearing dealt with broad constitutional issues. Should the judge rule against the city, Clearwater commissioners must decide whether to appeal, rewrite the measure or drop the matter.

If the ruling favors the city, attorneys for the sect said they will present arguments that the ordinance is aimed at driving the Church of Scientology out of town.

Founded in 1954 by science fiction writer L. Ron Hubbard, the Church of Scientology located its international retreat headquarters in Clearwater in 1975.

The sect contends it can rid believers of harmful mental imprints, called engrams, through paid counseling and courses.