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Court Battle Over Church's Files Begins

Scientology Lawyers Test Privacy Issues in Controversial Trial

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City News Service

The trial of a Church of Scientology lawsuit against a former member and archivist over custody of 10,000 pages of sensitive documents, most of which belong to church founder L. Ron Hubbard, is scheduled to begin today in Los Angeles Superior Court.

The church's attorney says he is trying to protect Hubbard's right to privacy by keeping the documents, which are currently under court seal, secret. But the defendant, Gerald Armstrong, contends the public has a right to see the documents because they reveal alleged fraud committed by Hubbard and the church. Church officials deny those allegations.

Superior Court Judge Paul Breckenridge Jr. will decide the case which pits the Church of Scientology and Mary Sue Hubbard, the wife of the church founder, against Armstrong.

Legal fireworks in the controversial case began during pretrial motions when Michael Flynn, Armstrong's attorney, alleged that Hubbard took \$250 million from the church and put it in bank accounts in Liechtenstein. Flynn also alleged that the church has a policy of lying to, cheating, suing or destroying its enemies, adding that Armstrong has become one of them.

Church attorney Barry Litt emphatically denied Flynn's assertions and said that he hopes to prevent Flynn from putting Hubbard and the church's reputation on trial. That is expected to be a difficult undertaking, since Hubbard's four-year seclusion is expected to come up during the trial.

The church founder, who is not a party to the suit, has not made himself available during the pretrial proceedings and is not expected to emerge during the trial. Therefore, the authenticity of a letter purportedly written by Hubbard is expected to come into play.

In the letter, dated Feb. 3, 1983, Hubbard asks that the boxes of personal journals and letters be turned over to the church. A sworn affidavit accompanying the letter quotes a handwriting and fingerprint expert as saying that Hubbard wrote the letter.

The attorneys for Armstrong are expected to challenge the letter, while it is anticipated the church lawyers will seek to use it in proving the Scientologists' case.

Church officials are trying to gain possession of thousands of pages of documents which were allegedly taken by the 37-year-old Armstrong, who was a member of the church from 1969 to 1981 and served as its archivist the last two years of that period.

Armstrong was compiling information for an author, Omar Garrison, who was planning to write a biography of Hubbard that was authorized by the church. According to court documents, Armstrong supplied many of Hubbard's personal letters to Garrison and kept many of them after leaving the church in 1981.

To assist Garrison, the church gave him "the entire Archives' collection, including documents and records that have been hitherto unknown to the public," court papers said.

"It appears," the court documents allege, "that Armstrong may have given thousands of documents to Mr. Garrison on Dec. 12, 1981, in the belief that by subsequently obtaining the same documents from Mr. Garrison he would not be guilty of theft or conversion."

The 10,000 pages of documents are sealed and in the custody of the court pending the outcome of the trial.

Custody an Issue

Litt, who will deliver his opening statement at the outset of the trial, said his main objective will be to show that Armstrong allegedly invaded the Hubbards' privacy and breached the trust placed in him by the church when he allegedly kept documents and then released them to attorneys representing former church members and others who had filed suits against the Scientologists.

In addition to seeking unspecified damages against Armstrong, Litt said he hopes to convince the court to give the church custody of the documents and to grant an injunction prohibiting Armstrong from revealing their contents.

But to some extent, the information allegedly contained in the church papers already has been made public through allegations in court documents and also is likely to be revealed during the trial.

In court papers filed by Armstrong, the former church archivist alleged that "materials and documents collected by him . . . in

many respects reveal a consistent pattern of fraud perpetrated by Hubbard through his agent, the plaintiff, upon members of the Church of Scientology and the public at large."

And in a countersuit he filed against the church for alleged infliction of emotional distress and harassment, which will be heard at a later trial, he detailed the alleged fraud.

"It was falsely and fraudulently represented to (Armstrong) through biographical publications written by cross-defendant Hubbard and distributed by cross-defendant Church of Scientology . . . that . . . Hubbard had served four years in actual combat . . . and was crippled and blinded in World War II but healed himself completely through Dianetic auditing."

The Armstrong suit goes on to allege that Hubbard did not suffer any combat wounds in World War II and did not cure blindness resulting from war wounds through Dianetics, a form of spiritual counseling practiced in Scientology.

Attorney Julia Dragojevic, who also is representing Armstrong, said her client must prove that the public interest in learning the truth about Hubbard and not being "duped" by the church overrides the right to privacy. She wants an impartial body like the court to keep the documents and make them available to those interested in seeing them, or have Armstrong gain possession so he can disclose the information.

No Right to Property

Litt, however, said the public does not have a right to a person's private property. "It's Hubbard's papers and he can choose whether or not to make them public," the attorney said.

The church excommunicated Armstrong in 1982, shortly after he left his post as archivist. In court documents, Armstrong said he gave the materials he had accumulated to attorneys because he felt threatened by the church.

"I did it on the basis of threats against me and the acts against me by the Church of Scientology . . . I hoped to bring to light the truth and perhaps put an end to the harassment of me as an individual and my wife and make it safe for my life to exist," Armstrong asserted in court papers.