

Sect tries the 'unusual' in document trial

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LOS ANGELES—In an extraordinary move, lawyers for the Church of Scientology have asked that parts of the official court transcript of a civil case be destroyed upon the completion of the trial.

The motion was called "unusual" by Superior Court Judge Paul G. Breckenridge Jr., who denied the request. Breckenridge is ruling over the non-jury trial brought by the sect and Mary Sue Hubbard, the wife of its founder. They are asking for the return of 10,000 documents a former Scientologist took when he fled the sect.

Gerald Armstrong, the 37-year-old former sect archivist who is the defendant in the suit, has testified he took the documents in December 1981 to defend himself against an anticipated suit brought by the sect.

Armstrong was researching sect founder L. Ron Hubbard to help write a biography of the 73-year-old man when, he

has testified, he discovered documents that prove Hubbard has lied about his accomplishments.

Armstrong contends the material will prove that Hubbard systematically lied about and elaborated upon his life in a scheme to defraud the U.S. government and millions of Scientologists worldwide.

The contested documents are under court seal and the Scientologists wanted any mention of them and their contents expunged from the official record of the trial.

"At the end of the (trial) proceedings they will have no use," sect attorney Barrett Litt said Friday of the materials under seal. "Since they are sealed I think it would be best to get rid of them. The purpose of these proceedings are to protect those documents."

However, Litt refused to clarify why he asked that transcript references to the documents be destroyed, regardless of the outcome of the trial.

"Let me tell you something," he said outside the courtroom. "When you file

motions in a trial, you ask a lot of things and then see what happens."

Sect lawyers have asked a lot of things of the court, generally traveling every available avenue to keep the documents from public scrutiny.

Since March 19, lawyers have asked that:

- Any documents introduced during the trial be held under seal.
 - The documents not be referred to in court.
 - The public and press be excluded from the trial.
 - All testimony about the documents take place only with the courtroom cleared.
 - No person be allowed to disclose information in the documents.
 - All notes—including those of the defense—that refer to the documents be given to the court for destruction.
 - At the time of final judgment, the court destroy all exhibits or evidence.
- The sect also asked Judge Breckenridge to order Armstrong not to talk

about the contents of the documents after an interview with him appeared in the May 13 edition of the *Clearwater Sun*.

Breckenridge denied that motion and the others, although he has kept the documents under court seal pending the outcome of the trial.

Litt said the sect wanted the press excluded from the trial because "we felt that proceedings during which we would discuss private documents not be held in public."

"We simply don't think it right to intrude on the privacy of those personal papers," he said.

At issue is the "personal and private" nature of the papers in question. Hubbard's wife is one of the plaintiffs in the case. But according to testimony, most of the material either predates her marriage to her reclusive husband or has nothing to do with her or the sect.

In addition, many of the documents are U.S. government records, obtained under the Freedom of Information Act,

detailing Hubbard's naval career and subsequent dealings with the Veterans Administration. Defense lawyer Michael Flynn said those documents are neither personal nor private.

There are, according to both sect and defense lawyers, many letters, papers and orders written by Hubbard over a period of about 45 years. But although Hubbard wrote a letter to the court asking for their return, he is not listed as a plaintiff in the suit.

The trial entered its fourth week Monday, as sect lawyers continued their cross-examination of Armstrong, who is expected to be on the stand throughout this week.

After Armstrong's testimony, Flynn said, he expects to have several other former high-ranking sect officials testify about Hubbard's alleged misrepresentations and an operation Flynn said exists to funnel millions of dollars from the sect into bank accounts controlled by Hubbard.