

Sect will ask court to quash warrant

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Sun staff writer

The Church of Scientology of Toronto will petition the Supreme Court of Ontario Monday asking that a search warrant executed last year be quashed, although the Ontario Provincial Police have already used it to raid the sect's headquarters and seize 14 million documents.

Investigators armed with the warrant raided the sect's Toronto headquarters in March 1983 and seized 904 boxes of papers and documents believed to substantiate suspected sect fraud, conspiracy, breaking and entering and theft, according to the warrant and officials.

The sect, basing its arguments on religious principles, is asking for the return of the seized documents, according to attorney Clayton Ruby. Ruby said he intends to introduce a number of "academics" during the hearing who will testify that Scientology is a religion and thereby protected from such seizures.

The Clearwater-based sect is also currently embroiled in similar court proceeding in Los Angeles in which the Church of Scientology of California is seeking the return of 10,000 "personal and private" documents taken two years ago by a former member. That trial, now in its fifth week, is expected to last two more weeks.

"We plan to quash the warrant and move for the return of the material," Ruby said from Toronto during a telephone interview this week. He said that many of the documents seized by the Canadian government were "confidential" auditing files—called PC (pre-clear) and clear files—which contain personal admissions made by parishoners to their pastor.

"Our argument will be that, if in these parishoner/pastoral communications someone confessed to crimes, those confessions will be used against the parishoner by the state to put them in prison," Ruby said. "Then no one's religion is safe. We'll be trying to use the Constitution to prove that they had no right to take confessional files.

"(The government's) argument is that this (Scientology) is not a church and there are no pastoral agents."

Although the attorney representing the government did not return numerous *Clearwater Sun* phone calls, the search warrant indicates that authorities believe the sect fraudulently attained "non-profit" and tax-exempt status in Canada.

The document states that the Church of Scientology "unlawfully did ... defraud (Canada) of money, property and valuable securities ... by representing that Scientology was a non-profit organization" collecting "donations" without any profit going to members.

"While Scientology in fact ... distributed and paid monies or profits ... to the personal use of (sect founder) L. Ronald Hubbard" and other members of Scientology, according to the warrant.

The warrant also names Hubbard and other Scientologists those responsible for defrauding the public, conspiracy and theft in an attempt to "protect the interests of Scientology."

The 158-page search warrant—believed to be the largest single warrant in Canadian history—was developed by Canadian authorities using information from confidential sources, former sect members and seized sect documents introduced in court cases in the United States, Australia, England and France.

And although Canadian authorities have had the documents specified in the warrant for more than a year, no one has been indicted to date, officials said Friday.

The warrant, placed into the City of Clearwater's official record of the proposed charitable solicitation ordinance, lists a number of sect officials by name and spells out an elaborate international scheme to defraud sect members of money. It also says that Hubbard is still in charge of the sect's

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world-wide enterprises, despite Scientology claims he resigned in 1966.

And the warrant goes well beyond personnel folders in what it detailed to be seized. According to the warrant, police believed they would find:

- Files on sect enemies and potential enemy groups.
- Files "copied, borrowed or removed" from Federal, Provincial, Municipal government offices and private organizations.
- Wiretapping equipment.
- Financial records, bank records, invoices and ledgers relating to the sect's financial workings and information on monies classified as "donations" by the sect.
- LRH Communicator Files which include orders and policy letters issued from "Flag" in Clearwater.
- Evidence of illegal sect activities.

Such documents, officials believe, will prove the Church of Scientology is not a non-profit organization and thus should be stripped of its tax-exempt status. Such a ruling could affect the organization on a world-wide basis.

The Canadian hearing begins Monday morning and is expected to last no longer than two weeks.