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## Sect's religious status just one part of trial

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**TORONTO—Is Scientology a religion?**

Since the inception of Scientology in 1950, the question of the sect's religious status has been argued in courts worldwide. And various courts have offered different opinions.

The Canadian Province of Ontario may rule on the religious status of Scientology during a hearing here that began Monday. But "religion" is only one of a myriad of questions before the Ontario Supreme Court.

Monday's proceedings stemmed from a March 4, 1983, police raid involving 100 Ontario Provincial policemen serving a 158-page search warrant at the local sect mission.

The warrant came as a result of a two-year investigation of income tax payments and the cost of courses offered by the sect. The warrant also alluded to fraud and criminal conspiracy within the Church of Scientology of Toronto and resulted in the seizure of 250,000 documents.

Scientology attorney Clayton Ruby contends the warrant was illegal due to "misstatements of fact" in the information used to

obtain the document.

Ruby also contends the government took a large number of files not specified in the warrant and violated a "parishioner/pastoral" privilege by seizing confidential sect files.

Ruby asked Mister Justice John Osler to invalidate the warrant and return the document.

Ruby also argued that Scientology is a religion and thereby immune from such government actions by the 2-year-old Canadian charter.

If necessary, he said, he will summon experts from throughout North America to testify that Scientology is a religion.

But Crown Casey Hill told Osler the court "has no inherent jurisdiction" to rule on arguments involving parishioner/pastoral privilege adding that in this case the issue of religion "is totally irrelevant."

"I simply take the position that these matters are not relevant (to the motion to quash) and are the domain of the trial court," Hill said in his opening statement.

The hearing began with Ruby demanding the immediate return of about 6,000 particular documents in the hands of the government.

Those contested documents were sealed shortly after they were seized, when the sect said they were privileged and religious papers. Hill immediately asked for a delay in the trial if the court, but not the prosecutors, is allowed to view the documents.

"I'm not allowed (by Canadian law) to view them," the 32-year-old lawyer told the *Clearwater Sun*. "As the law presently stands, the defense can see them, and the bench can see them, but the Crown cannot."

Osler denied Hill's request for a continuance in the hearing and suggested to Ruby that if he wanted the documents returned, he should sue the government in civil court, ask the judge who authorized the search warrant to make a ruling, or wait for criminal charges to be filed.

Although the voluminous warrant lists by name a number of persons—including sect founder L. Ron Hubbard—who are suspected of criminal wrongdoing, no arrests have been made.

Osler did, however, grant Ruby's request for a 24-hour delay in proceedings so he could prepare arguments relating to the government's case.

The hearing, expected to last two weeks, resumes Wednesday.