

Clearwater Sun

8 JUNE 1984

Sect hearing likely to mushroom

Scient.

JUN 08 1984

By GEORGE WAYNE SHELOR
Sun staff writer

TORONTO—An Ontario Supreme Court judge is expected to rule today in a hearing brought by the Church of Scientology centering on questions of religious equality and criminal wrongdoing.

Judge John Osler said Thursday he will study lawyers' arguments and legal precedent in deciding whether to move forward in the hearing to quash an Ontario Provincial Police (OPP) search warrant resulting in the seizure of 25,000 sect documents.

At issue is whether the massive 158-page search warrant and its supporting documents are illegal,

□ Closing arguments today in Los Angeles Scientology trial, 2B

as the sect claims, and whether the Church of Scientology should be recognized as a religion.

Osler gave no outward indication as to how he will rule today, but court observers familiar with Canadian proceedings surmised he will rule to proceed with all aspects of the hearing. Osler is also expected to summon appropriate documents and witnesses from both sides to testify.

The outcome of the hearing here, regardless of the final verdict, could have a worldwide effect on the controversial Clearwater-based sect.

The Toronto branch of the sect is challenging the right of the police to keep the documents they seized during a March 4, 1983, raid. The sect is arguing that the police action infringed on its constitutional rights as a religious entity.

Scientology lawyer Clayton Ruby said one of the things sought in these proceedings will be a ruling that Scientology is unarguably a religion.

The seizure of the documents has for all intentional purposes shut down the Toronto church, Ruby

said earlier this week.

Among the volumes of documents are some that contain confidential exchanges between Scientology officials and members and some that are not specified by the search warrant, Ruby has argued.

The OPP raid, said to be the largest raid in Canadian history, took place more than a year ago, but to date no charges have been filed. In the search warrant, investigators claim the church was committing fraud, tax fraud and conspiring to commit other criminal offenses.

A sect statement forming the basis of the sect's (Please see * SECT, next page)

* Sect

(from page 1B)

legal case says the raid was a "wholesale interference with the priest and penitent confidences of a huge number of the church's members, none of whom have complained of fraud ... is of minimal benefit to the investigation and causes substantial detriment to the priest and penitent relationship."

However, Crown attorney Bonnie Wein cited Thursday a recent court decision she interpreted to indicate that the only profession not legally bound to share communications with investigators is the bar.

The court, if it chooses to move forward with the case, will have to offer an opinion on the legal protection afforded pastoral/parishioner privilege.